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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS; HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Report of the Third Committee (Part III)*

Rapporteur: Mr. Vitavas SRIVIHOK (Thailand)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-seventh session the item entitled:

> "Human rights questions:
>
> "(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;
>
> "(c) Human rights situations and reports of special rapporteurs and representatives"

and to allocate it to the Third Committee.

2. The Committee considered the item jointly with item 149 (The situation of human rights in Estonia and Latvia) at its 47th to 59th meetings, from

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* The report on this item will be issued in three parts (see also A/47/678 and Corr.1 and Add.1).

24 November to 4 December 1992 (see A/47/773). An account of the Committee's discussions is contained in the relevant summary records (A/C.3/47/SR.47-59).

3. For its consideration of the item, the Committee had before it the following documentation:

Item 97 (b): Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

(a) Report of the Preparatory Committee for the World Conference on Human Rights on its second session (A/47/24 and Add.1); 1/

(b) Report of the Secretary-General on respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes (A/47/479);

(c) Report of the Secretary-General on regional arrangements for the promotion and protection of human rights (A/47/502);

(d) Report of the Secretary-General on the development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights (A/47/503);

(e) Report of the Secretary-General on human rights and mass exoduses (A/47/552);

(f) Report of the Secretary-General on the status of the United Nations Voluntary Fund for Indigenous Populations (A/47/626);

(g) Report of the Secretary-General on enhancing the effectiveness of the principle of periodic and genuine elections (A/47/668 and Corr.1 and Add.1);

(h) Report of the Secretary-General on the strengthening of the Centre for Human Rights (A/47/702);

(i) Note by the Secretary-General on respect for the right of everyone to own property alone as well as in association with others and its contribution to the economic and social development of Member States (A/47/353);

(j) Note by the Secretary-General on the draft declaration on the protection of all persons from enforced disappearance (A/47/434);

1/ Will be issued in final form as Official Records of the General Assembly, Forty-seventh Session, Supplement No. 24 (A/47/24) and Supplement No. 24A (A/47/24/Add.1).

(k) Note by the Secretary-General on the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities (A/47/501);

(l) Note by the Secretary-General on the right to development (A/47/504);

(m) Note by the Secretary-General on the situation of human rights in southern Lebanon (A/47/630);

(n) Note by the Secretary-General on the question of national institutions for the promotion and protection of human rights (A/47/701);

(o) Letter dated 11 February 1992 from the Permanent Representative of Liberia to the United Nations addressed to the Secretary-General (A/47/91-S/23585);

(p) Letter dated 21 April 1992 from the Permanent Representatives of Hungary and Ukraine to the United Nations addressed to the Secretary-General (A/47/172);

(q) Letter dated 3 June 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Iraq to the United Nations addressed to the Secretary-General (A/47/256-S/24061);

(r) Letter dated 28 September 1992 from the Permanent Representative of Latvia to the United Nations addressed to the Secretary-General (A/47/476).

Item 97 (c): Human rights situations and reports of special rapporteurs and representatives

(a) Note by the Secretary-General transmitting the interim report on the situation of human rights in Iraq prepared by the Special Rapporteur of the Commission on Human Rights (A/47/367 and Add.1);

(b) Note by the Secretary-General transmitting the report prepared by the Special Rapporteur on the situation of human rights in the former Yugoslavia (A/47/418-S/24516);

(c) Note by the Secretary-General transmitting the report on the situation of human rights in El Salvador prepared by the Independent Expert of the Commission on Human Rights (A/47/596);

(d) Note by the Secretary-General transmitting the interim report on the situation of human rights in the Islamic Republic of Iran prepared by the Special Representative of the Commission on Human Rights (A/47/617);

(e) Note by the Secretary-General transmitting the interim report on the situation of human rights in Haiti prepared by the Special Rapporteur of the Commission on Human Rights (A/47/621);

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(f) Note by the Secretary-General transmitting the interim report on the situation of human rights in Cuba prepared by the Special Rapporteur of the Commission on Human Rights (A/47/625 and Corr.1);

(g) Note by the Secretary-General transmitting the report on the situation of human rights in the territory of the former Yugoslavia prepared by the Special Rapporteur of the Commission on Human Rights (A/47/635-S/24766);

(h) Note by the Secretary-General transmitting the interim report on the situation of human rights in Myanmar prepared by the Special Rapporteur of the Commission on Human Rights (A/47/651);

(i) Note by the Secretary-General transmitting the interim report on the situation of human rights in Afghanistan prepared by the Special Rapporteur of the Commission on Human Rights (A/47/656);

(j) Note by the Secretary-General transmitting the report on the situation of human rights in the territory of the former Yugoslavia prepared by the Special Rapporteur of the Commission on Human Rights (A/47/666-S/24809);

(k) Note by the Secretary-General transmitting the preliminary report on the situation of human rights in South Africa prepared by the Ad Hoc Working Group of Experts on Southern Africa of the Commission on Human Rights (A/47/676);

(l) Letter dated 23 November 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/47/712-S/24844);

(m) Letter dated 27 November 1992 from the Permanent Representative of Slovenia to the United Nations addressed to the Secretary-General (A/47/737-S/24864).

4. At the 46th meeting, on 23 November, the Director of the Centre for Human Rights made an introductory statement (see A/C.3/47/SR.46).

5. At its 47th meeting, on 24 November, the Committee heard introductory statements by the Special Rapporteur on the situation of human rights in Afghanistan, the Special Rapporteur on the situation of human rights in Iraq, the Special Rapporteur on the situation of human rights in Myanmar, the Special Rapporteur on the situation of human rights in the former Yugoslavia, and the Independent Expert on the situation of human rights in El Salvador.

6. At its 49th meeting, on 25 November, the Committee heard an introductory statement by the Special Rapporteur on the situation of human rights in Haiti. The Chief of the Special Procedures Section of the Centre for Human Rights made an introductory statement on behalf of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran. A Vice-Chairman of the Ad Hoc Working Group of Experts on Southern Africa made an introductory statement on the situation of human rights in South Africa on behalf of the Chairman of the Ad Hoc Working Group.

II. CONSIDERATION OF PROPOSALS

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

A. Draft resolution A/C.3/47/L.18/Rev.1

7. At the 55th meeting, on 3 December 1992, the representative of Morocco, on behalf of Afghanistan, Albania, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, the Bahamas, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, the Central African Republic, Chad, Chile, the Comoros, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechoslovakia, Denmark, Djibouti, the Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Finland, France, Gabon, the Gambia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kazakhstan, Latvia, Lesotho, Liberia, the Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, the Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Mozambique, Myanmar, Namibia, the Netherlands, New Zealand, Nicaragua, the Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, the Philippines, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Rwanda, Saint Kitts and Nevis, Samoa, San Marino, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Uruguay, Vanuatu, Venezuela, Yemen and Zaire, introduced a draft resolution entitled "World Conference on Human Rights" (A/C.3/47/L.18/Rev.1). Subsequently, Angola, Belize, Bhutan, Brazil, Jordan, Lebanon, the Sudan and Swaziland joined in sponsoring the draft resolution.

8. At its 57th meeting, on 4 December, the Committee adopted draft resolution A/C.3/47/L.18/Rev.1 by consensus (see para. 113, draft resolution I).

9. After the adoption of the draft resolution, the representative of Nepal made a statement (see A/C.3/47/SR.57).

B. Draft decision A/C.3/47/L.45

10. At the 53rd meeting, on 2 December, the Chairman of the Committee introduced a draft decision entitled "Award of human rights prizes in 1993" (A/C.3/47/L.45).

11. At its 56th meeting, on 3 December, the Committee adopted draft decision A/C.3/47/L.45 (see para. 114, draft decision I).

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C. Draft resolution A/C.3/47/L.49

12. At the 53rd meeting, on 2 December, the representative of Indonesia, on behalf of Afghanistan, Algeria, Argentina, Austria, Bangladesh, Benin, Bolivia, Brazil, Burkina Faso, Cameroon, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, the Dominican Republic, Egypt, Ethiopia, France, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, the Lao People's Democratic Republic, Lesotho, the Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mali, Mexico, Mongolia, Morocco, Myanmar, Nepal, Nicaragua, Nigeria, Pakistan, Peru, the Philippines, Rwanda, Senegal, Singapore, Sri Lanka, the Sudan, Suriname, Thailand, Tunisia, the United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe, introduced a draft resolution entitled "Right to development" (A/C.3/47/L.49). Subsequently, Australia, the Central African Republic, the Democratic People's Republic of Korea, the Gambia, Jordan, Namibia, the Niger, Samoa, Sierra Leone, Swaziland, Togo and Uganda joined in sponsoring the draft resolution.

13. At its 56th meeting, on 3 December, the Committee adopted draft resolution A/C.3/47/L.49, without a vote (see para. 113, draft resolution II).

14. After the adoption of the draft resolution, the representative of the United States of America made a statement (see A/C.3/47/SR.56).

D. Draft resolution A/C.3/47/L.53

15. At the 53rd meeting, on 2 December, the representative of Turkey, on behalf of Albania, Argentina, Austria, Azerbaijan, Chile, Czechoslovakia, Egypt, Morocco, Pakistan, Tunisia and Turkey, introduced a draft resolution entitled "United Nations Year for Tolerance" (A/C.3/47/L.53). Subsequently, Afghanistan, Indonesia and the Philippines joined in sponsoring the draft resolution.

16. At its 56th meeting, on 3 December, the Committee adopted draft resolution A/C.3/47/L.53 without a vote (see para. 113, draft resolution III).

E. Draft resolution A/C.3/47/L.54

17. At the 53rd meeting, on 2 December, the representative of Belgium, on behalf of Argentina, Australia, Austria, Belarus, Belgium, Benin, Brazil, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Germany, Guatemala, Honduras, Hungary, Italy, Japan, Malta, the Netherlands, Norway, Romania, the Russian Federation, Rwanda, Thailand, Togo, Ukraine, Uruguay and Venezuela, introduced a draft resolution entitled "Regional arrangements for the promotion and protection of human rights" (A/C.3/47/L.54). Subsequently, the Central African Republic, El Salvador, Egypt, Gambia, Namibia, Nigeria, Samoa, the Philippines and Yemen joined in sponsoring the draft resolution.

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18. At its 56th meeting, on 3 December, the Committee adopted draft resolution A/C.3/47/L.54 without a vote (see para. 113, draft resolution IV).

F. Draft resolution A/C.3/47/L.55 and proposed amendments contained in document A/C.3/47/L.78

19. At the 53rd meeting, on 2 December, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of Armenia, Australia, Austria, Belarus, Belgium, Benin, Cameroon, Canada, the Central African Republic, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Ecuador, Finland, France, Gabon, the Gambia, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Haiti, Ireland, Italy, Jamaica, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, the Marshall Islands, Mongolia, Morocco, the Netherlands, Norway, the Philippines, Portugal, the Russian Federation, Rwanda, Senegal, Sierra Leone, Spain, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United Republic of Tanzania, introduced a draft resolution entitled "The plight of street children" (A/C.3/47/L.55), which he orally revised by replacing the word "consider" in operative paragraph 11 by the word "reconsider".

20. At the 56th meeting, on 3 December, the representative of Brazil, on behalf of Bolivia, Brazil, Colombia, Guatemala, India, Mexico and Uruguay, introduced proposed amendments (A/C.3/47/L.78) to draft resolution A/C.3/47/L.55, which read as follows:

> "1. At the end of the third preambular paragraph, add 'from their families and communities and as part of national efforts and international cooperation;'.
>
> "2. At the end of the thirteenth preambular paragraph, add 'and fiscal restrictions that severely hamper the implementation of governmental programmes for the protection and assistance of children, including street children;'.
>
> "3. Insert a new preambular paragraph after the thirteenth preambular paragraph to read:
>
> > '*Reaffirming* in this connection, the importance of international cooperation for improving the living conditions of children in every country, in particular in the developing countries,'.
>
> "4. Insert a new operative paragraph after present operative paragraph 3 to read:
>
> > '*Calls upon* the international community to support, through increased financial and technical cooperation, the efforts of Governments to improve the situation of street children;'.

"5. Insert a new operative paragraph after present operative paragraph 7 to read:

> '_Encourages_ States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting, or indicating their need for, technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;'.

"6. In present operative paragraph 8, after 'among other measures', insert "increased international cooperation in the promotion of development projects that can have a positive impact on the situation of street children,'."

21. At the 59th meeting, on 4 December, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of the same sponsors, orally revised draft resolution A/C.3/47/L.55 as follows:

(a) In the third preambular paragraph, the words "from their families and communities and as part of national efforts and international cooperation" were added to the end;

(b) In the thirteenth preambular paragraph, the word "often" was inserted after the words "such causes are";

(c) In the same paragraph, the words "and their solution made more difficult" were inserted after the word "aggravated";

(d) After the thirteenth preambular paragraph, a new preambular paragraph was inserted which read as follows:

> "_Reaffirming_ the importance of international cooperation for improving the living conditions of children in every country.";

(e) A new operative paragraph was inserted after operative paragraph 5 and the subsequent paragraphs were renumbered. The new operative paragraph read as follows:

> "_Calls upon_ the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting, or indicating their need for, technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;";

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(f) In operative paragraph 8, the words "the dissemination of information and the exchange of views" were replaced by the words "supporting development projects that can have a positive impact on the situation of street children".

22. In the light of the revisions proposed by the representative of the United Kingdom of Great Britain and Northern Ireland, the proposed amendments contained in document A/C.3/47/L.78 were withdrawn by the sponsor.

23. Subsequently, Benin, Brazil, Cape Verde, Colombia, the Dominican Republic, Guatemala, Honduras, Iceland, Mexico, Nicaragua, the Niger, Peru, Turkey and Uruguay joined in sponsoring the draft resolution.

24. At the same meeting, the Committee adopted draft resolution A/C.3/47/L.55, as orally revised, without a vote (see para. 113, draft resolution V).

25. The representative of Japan made a statement after the adoption of the draft resolution (see A/C.3/47/SR.59).

G. Draft resolution A/C.3/47/L.56

26. At the 53rd meeting, on 2 December, the representative of Greece, on behalf of Afghanistan, Albania, Argentina, Armenia, Australia, Austria, the Bahamas, Belgium, Benin, Bulgaria, Cameroon, Canada, Cape Verde, Chad, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, the Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, Indonesia, Ireland, Italy, Latvia, Lebanon, Lesotho, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Morocco, Nepal, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, the Russian Federation, Rwanda, Senegal, Slovenia, Spain, Suriname, Sweden, Togo, Tunisia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America, Uruguay, Vanuatu and Venezuela introduced a draft resolution entitled "Strengthening of the Centre for Human Rights" (A/C.3/47/L.56). Subsequently, Belarus, Bolivia, the Central African Republic, Côte d'Ivoire, the Gambia, Mauritania, Namibia, the Niger, Pakistan, Samoa and Ukraine joined in sponsoring the draft resolution.

27. At its 56th meeting, on 3 December, the Committee adopted draft resolution A/C.3/47/L.56 without a vote (see para. 113, draft resolution VI).

28. The representative of Japan made a statement after the adoption of the draft resolution (see A/C.3/47/SR.56).

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H. *Draft resolution A/C.3/47/L.58*

29. At the 54th meeting, on 2 December, the representative of Australia, on behalf of *Argentina, Australia, Chile, Costa Rica, Finland, Germany, Greece, Ireland, Italy, Mexico,* the *Netherlands, New Zealand, Norway, Romania,* the *Russian Federation, Sweden* and the *United Kingdom of Great Britain and Northern Ireland*, introduced a draft resolution entitled "Development of public information activities in the field of human rights" (A/C.3/47/L.58). Subsequently, *Albania, Belarus, Bosnia and Herzegovina, Guatemala, India, Morocco, Samoa* and *Yemen* joined in sponsoring the draft resolution.

30. At its 56th meeting, on 3 December, the Committee adopted draft resolution A/C.3/47/L.58 without a vote (see para. 113, draft resolution VII).

I. *Draft decision A/C.3/47/L.59*

31. At the 54th meeting, on 2 December, the representative of Norway, on behalf of *Australia, Canada, Denmark, Finland, Greece, Japan,* the *Netherlands, New Zealand, Norway, Spain* and *Sweden*, introduced a draft decision entitled "United Nations Voluntary Fund for Indigenous Populations" (A/C.3/47/L.59).

32. At its 56th meeting, on 3 December, the Committee adopted draft decision A/C.3/47/L.59 without a vote (see para. 114, draft decision II).

J. *Draft resolution A/C.3/47/L.60*

33. At the 54th meeting, on 2 December, the representative of Ireland, on behalf of *Argentina, Australia, Austria,* the *Bahamas, Belarus, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechoslovakia, Denmark, Fiji, Finland, France,* the *Gambia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta,* the *Marshall Islands, Micronesia (Federated States of), Morocco,* the *Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Romania,* the *Russian Federation, Spain, Sweden, Ukraine,* the *United Kingdom of Great Britain and Northern Ireland,* the *United States of America, Uruguay, Venezuela* and *Zimbabwe*, introduced a draft resolution entitled "Elimination of all forms of religious intolerance" (A/C.3/47/L.60) and orally revised the tenth preambular paragraph by inserting the word "of" between the words "violence" and "intolerance". Subsequently, *Albania, Azerbaijan, El Salvador, Samoa* and *Sierra Leone* joined in sponsoring the draft resolution.

34. At its 56th meeting, on 3 December, the Committee adopted draft resolution A/C.3/47/L.60 as orally revised, without a vote (see para. 113, draft resolution VIII).

K. Draft resolution A/C.3/47/L.61

35. At the 54th meeting, on 2 December, the representative of Cuba, on behalf of China, Cuba, the Democratic People's Republic of Korea, the Lao People's Democratic Republic, Namibia, the United Republic of Tanzania, Viet Nam and Zimbabwe, introduced a draft resolution entitled "Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes" (A/C.3/47/L.61). Subsequently, the Sudan joined in sponsoring the draft resolution.

36. At its 57th meeting, on 4 December, the Committee adopted draft resolution A/C.3/47/L.61 by a recorded vote of 82 to 43, with 14 abstentions (see para. 113, draft resolution IX). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ghana, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Qatar, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia (Federated States of), Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belarus, Bolivia, Chile, Costa Rica, Dominican Republic, El Salvador, Ethiopia, Fiji, Gabon, Honduras, Jamaica, Philippines, Samoa, Togo.

37. Before the adoption of the draft resolution, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of the States Members of the United Nations that are also members of the European Community, made a statement in explanation of vote (see A/C.3/47/SR.57).

38. After the adoption of the draft resolution, the representative of Argentina made a statement in explanation of vote (see A/C.3/47/SR.57).

L. Draft resolution A/C.3/47/L.62

39. At the 54th meeting, on 2 December, the representative of Cuba, on behalf of China, Cuba, Ghana, the Lao People's Democratic Republic, the Libyan Arab Jamahiriya, Nigeria, the United Republic of Tanzania, Viet Nam, Zambia and Zimbabwe, introduced a draft resolution entitled "Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity" (A/C.3/47/L.62). Subsequently, the Sudan joined in sponsoring the draft resolution.

40. At the 59th meeting, on 4 December, the representative of Cuba orally revised the draft resolution, as follows:

(a) In the thirteenth preambular paragraph, the words "being guided by a spirit of consensus" were inserted before the word "should";

(b) The fifteenth preambular paragraph, which read:

> "Underlining the particular duty of all special rapporteurs and representatives on thematic issues and countries, as well as of the members of the working groups, to carry out their mandates with objectivity, seriousness and independence of opinions in accordance with the humanitarian spirit that should prevail in their activities, which should be exempt from any manipulation with political purposes,"

was replaced by the following:

> "Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and countries, as well as of the members of the working groups, in carrying out their mandates,";

(c) In operative paragraph 6, the words "in particular" were replaced by the words "as well as".

41. At the same meeting, the Committee adopted draft resolution A/C.3/47/L.62, as orally revised, without a vote (see para. 113, draft resolution X).

42. After the adoption of the draft resolution, statements were made by the representatives of Austria and Sweden (see A/C.3/47/SR.59).

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M. Draft resolution A/C.3/47/L.63

43. At the 54th meeting, on 2 December, the representative of France, on behalf of Argentina, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Finland, France, Gabon, the Gambia, Greece, Hungary, Ireland, Italy, Luxembourg, Madagascar, Mali, Mauritius, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, Portugal, the Russian Federation, Rwanda, Slovenia, Spain, Sweden, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "Question of enforced or involuntary disappearances" (A/C.3/47/L.63). Subsequently, Belarus, the Central African Republic and Samoa joined in sponsoring the draft resolution.

44. At its 56th meeting, on 3 December, the Committee adopted draft resolution A/C.3/47/L.63 without a vote (see para. 113, draft resolution XI).

45. The representative of Japan made a statement after the adoption of the draft resolution (see A/C.3/47/SR.56).

N. Draft resolution A/C.3/47/L.64

46. At the 54th meeting, on 2 December, the representative of France, on behalf of Argentina, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Finland, France, Gabon, the Gambia, Greece, Hungary, Ireland, Italy, Luxembourg, Madagascar, Mali, Mauritius, Mongolia, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, Portugal, the Russian Federation, Rwanda, Slovenia, Spain, Sweden, Togo, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, introduced a draft resolution entitled "Declaration on the Protection of All Persons from Enforced Disappearance" (A/C.3/47/L.64). Subsequently, Belarus, Bosnia and Herzegovina, the Central African Republic, Colombia, Croatia and Samoa joined in sponsoring the draft resolution.

47. At its 56th meeting, on 3 December, the Committee adopted draft resolution A/C.3/47/L.64 without a vote (see para. 113, draft resolution XII).

48. Statements were made by the representatives of Germany and Japan after the adoption of the draft resolution (see A/C.3/47/SR.56).

O. Draft resolution A/C.3/47/L.65

49. At the 55th meeting, on 3 December, the representative of Peru, on behalf of Bahamas, Colombia, Cuba, Dominican Republic, Ecuador, France, Guinea-Bissau, Mali, Mexico, Morocco, Peru, Senegal, Spain, Uruguay and Venezuela, introduced a draft resolution entitled "Human rights and extreme poverty" (A/C.3/47/L.65). Subsequently, Bolivia, Cameroon, Ethiopia, Nigeria, the Philippines, Samoa and Uganda joined in sponsoring the draft resolution.

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50. At its 57th meeting, on 4 December, the Committee adopted draft resolution A/C.3/47/L.65 without a vote (see para. 113, draft resolution XIII).

P. Draft resolution A/C.3/47/L.66

51. At the 55th meeting, on 3 December, the representative of Austria, on behalf of Armenia, Australia, Austria, Belarus, Bulgaria, Canada, Cape Verde, Croatia, Czechoslovakia, Denmark, Estonia, Finland, Greece, Guatemala, Hungary, Italy, Latvia, Liechtenstein, Lithuania, Malawi, Morocco, the Netherlands, Norway, Poland, the Republic of Korea, Romania, the Russian Federation, Rwanda, Slovenia, Sweden, Ukraine, the United States of America and Uruguay, introduced a draft resolution entitled "Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities" (A/C.3/47/L.66). Subsequently, the Republic of Moldova, Samoa, Sri Lanka and Tajikistan joined in sponsoring the draft resolution.

52. At its 58th meeting, on 4 December, the Committee adopted draft resolution A/C.3/47/L.66 without a vote (see para. 113, draft resolution XIV).

53. After the adoption of the draft resolution, statements were made by the representatives of Germany and Turkey (see A/C.3/47/SR.58).

Q. Draft resolution A/C.3/47/L.67

54. At the 55th meeting, on 3 December, the representative of Sweden, on behalf of Australia, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Cyprus, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kenya, Latvia, Lithuania, Luxembourg, Morocco, the Netherlands, New Zealand, Norway, Poland, Portugal, the Russian Federation, Senegal, Spain, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Summary or arbitrary executions" (A/C.3/47/L.67). Subsequently, Côte d'Ivoire, Croatia, Japan and Samoa joined in sponsoring the draft resolution.

55. At the 58th meeting, on 4 December, the representative of the Sudan made a statement before the adoption of the draft resolution (see A/C.3/47/SR.58).

56. The Committee then adopted draft resolution A/C.3/47/L.67 without a vote (see para. 113, draft resolution XV).

R. Draft resolution A/C.3/47/L.68

57. At the 55th meeting, on 3 December, the representative of Cuba, on behalf of Algeria, Angola, Burkina Faso, the Central African Republic, Colombia, Cuba, Cyprus, the Democratic People's Republic of Korea, Ecuador, Guinea, Guinea-Bissau, India, Iraq, the Lao People's Democratic Republic, Lesotho, the

Libyan Arab Jamahiriya, Mexico, Namibia, Nigeria, Peru, Sierra Leone, the *Sudan, Uganda, Viet Nam, Yemen, Zambia* and *Zimbabwe*, introduced a draft resolution entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms" (A/C.3/47/L.68).

58. At its 58th meeting, on 4 December, the Committee adopted the draft resolution by a recorded vote of 102 to none, with 49 abstentions (see para. 113, draft resolution XVI). The voting was as follows:

In favour: Afghanistan, Algeria, Angola, Armenia, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Oman, Pakistan, Paraguay, Peru, Qatar, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: None.

Abstaining: Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Bulgaria, Canada, Croatia, Czechoslovakia, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Netherlands, Norway, Panama, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Samoa, Slovenia, Spain, Sweden, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

59. Before the adoption of the draft resolution, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of the States Members of the United Nations that are also members of the European Community, made a statement in explanation of vote (see A/C.3/47/SR.58).

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60. After the adoption of the draft resolution, a statement in explanation of vote was made by the representative of the United States of America (see A/C.3/47/SR.58).

S. Draft resolution A/C.3/47/L.69

61. At the 55th meeting, on 3 December, the representative of the United States of America, on behalf of Albania, Argentina, Belgium, Benin, Bulgaria, Canada, the Central African Republic, Chad, Costa Rica, Czechoslovakia, Denmark, El Salvador, Finland, the Gambia, Greece, Hungary, Israel, Italy, Latvia, Lithuania, Luxembourg, Madagascar, Mali, Malta, Marshall Islands, Nicaragua, the Netherlands, Norway, Panama, Poland, the Republic of Korea, Romania, the Russian Federation, Rwanda, Samoa, Singapore, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Enhancing the effectiveness of the principle of periodic and genuine elections" (A/C.3/47/L.69). Subsequently, Australia, Cape Verde, the Republic of Moldova and Tajikistan joined in sponsoring the draft resolution.

62. At its 58th meeting, on 4 December, the Committee adopted the draft resolution by a recorded vote of 129 to 1, with 19 abstentions (see para. 113, draft resolution XVII). The voting was as follows:

In favour: Afghanistan, Albania, Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Latvia, Lebanon, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Micronesia (Federated States of), Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Samoa, Senegal, Sierra Leone, Singapore, Slovenia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela, Yemen, Zambia.

Against: Sudan.

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Abstaining: Angola, China, Colombia, Cuba, Democratic People's Republic of Korea, Equatorial Guinea, France, Iraq, Japan, Lao People's Democratic Republic, Malaysia, Mexico, Myanmar, Namibia, Philippines, Syrian Arab Republic, United Republic of Tanzania, Viet Nam, Zimbabwe.

63. Before the adoption of the draft resolution, the representative of Cuba made a statement in explanation of vote. After the adoption of the draft resolution, statements in explanation of vote were made by the representatives of Algeria, Ireland and Japan (see A/C.3/47/SR.58).

(c) Human rights situations and reports of special rapporteurs and representatives

T. Draft resolutions A/C.3/47/L.48 and A/C.3/47/L.70

64. At the 54th meeting, on 2 December, the representative of Cuba introduced a draft resolution entitled "Cooperation of the Government of Cuba with the Commission on Human Rights in accordance with resolutions 728 F (XXVIII) and 1503 (XLVIII) of the Economic and Social Council and the thematic procedures established by the Commission" (A/C.3/47/L.48), which read as follows:

"*The General Assembly*,

"*Desiring* to achieve further progress with regard to international cooperation in promoting and encouraging respect for human rights and fundamental freedoms, as the most suitable means of attaining that end,

"*Aware* that the principles of objectivity, non-selectivity and impartiality should guide the work of the United Nations in establishing mechanisms and procedures for promoting, encouraging and respecting human rights,

"*Also aware* of the collaboration of the Government of Cuba with the Commission on Human Rights in the fulfilment of its functions, including the Commission's mission that visited Cuba, and the collaboration with the Secretary-General in his good offices missions, which have been constructive, useful and positive,

"*Bearing in mind* the commitment made by the Government of Cuba to cooperate with the Commission on Human Rights in accordance with resolutions 728 F (XXVIII) and 1503 (XLVIII) of the Economic and Social Council and the thematic procedures established by the Commission,

"*Taking into account* the various reports submitted on the human rights situation in Cuba, "1. Considers that the various reports submitted on the human rights situation in Cuba show that the use of the procedures envisaged for serious situations of human rights violations in the world is unjustified;

"2. Takes note with satisfaction of the commitment made by the Government of Cuba to cooperate with the Commission on Human Rights in accordance with resolutions 728 F (XXVIII) and 1503 (XLVIII) of the Economic and Social Council and the thematic procedures established by the Commission;

"3. Requests the Commission on Human Rights to take due account of the present resolution in considering this question at its forty-ninth session."

65. At the 57th meeting, on 4 December, the representative of Cuba orally revised the draft resolution, as follows:

In operative paragraph 1, the words "is unjustified" were replaced by the words "should, in this case, be re-examined".

66. At the 55th meeting, on 3 December, the representative of the United States of America, on behalf of Argentina, Belgium, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, the Gambia, Germany, Hungary, Iceland, Ireland, Japan, Latvia, Luxembourg, the Netherlands, Norway, Panama, Poland, Portugal, Romania, Sweden, the United Kingdom of Great Britain and Northern Ireland and the United States of America introduced a draft resolution entitled "Situation of human rights in Cuba" (A/C.3/47/L.70).

67. At the 58th meeting, on 4 December, the representative of the United States of America made a motion that action be taken on draft resolution A/C.3/47/L.70 before action was taken on draft resolution A/C.3/47/L.48. 2/

68. The representative of Yemen made a statement in explanation of vote before the vote (see A/C.3/47/SR.58).

69. At the same meeting, the Committee approved the motion by a recorded vote of 59 to 23, with 41 abstentions. The voting was as follows:

In favour: Albania, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Congo, Costa Rica, Croatia, Czechoslovakia, Denmark, Estonia, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kazakhstan, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall

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2/ In accordance with rule 131 of the rules of procedure of the General Assembly.

Islands, Mauritius, Micronesia (Federated States of), Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Angola, Belarus, Burkina Faso, China, Cuba, Democratic People's Republic of Korea, Ghana, Iran (Islamic Republic of), Iraq, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Namibia, Sudan, Syrian Arab Republic, Uganda, Ukraine, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Abstaining: Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bangladesh, Barbados, Belize, Benin, Bolivia, Botswana, Brazil, Colombia, Côte d'Ivoire, Cyprus, Ecuador, Egypt, El Salvador, Equatorial Guinea, Guyana, India, Indonesia, Jamaica, Jordan, Malawi, Mexico, Mongolia, Nepal, Papua New Guinea, Peru, Philippines, Rwanda, Saint Kitts and Nevis, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Venezuela.

70. At the same meeting, the Committee adopted draft resolution A/C.3/47/L.70 by a recorded vote of 64 to 17, with 59 abstentions (see para. 113, draft resolution XVIII). The voting was as follows:

In favour: Albania, Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czechoslovakia, Denmark, Dominican Republic, El Salvador, Estonia, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Singapore, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Angola, China, Cuba, Democratic People's Republic of Korea, Ghana, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Namibia, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

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Abstaining: Afghanistan, Algeria, Antigua and Barbuda, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Cameroon, Colombia, Congo, Côte d'Ivoire, Cyprus, Ecuador, Egypt, Equatorial Guinea, Gabon, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Jamaica, Jordan, Kazakhstan, Lebanon, Lesotho, Liberia, Madagascar, Malawi, Malaysia, Mauritania, Mexico, Niger, Nigeria, Pakistan, Papua New Guinea, Peru, Philippines, Rwanda, Saint Kitts and Nevis, Sierra Leone, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Venezuela, Zambia.

71. Before the adoption of the draft resolution, the representatives of Uruguay, Venezuela, the Dominican Republic, Guatemala, the Democratic People's Republic of Korea and Cuba made statements in explanation of vote (see A/C.3/47/SR.58).

72. After the adoption of the draft resolution, statements in explanation of vote were made by the representatives of the Libyan Arab Jamahiriya and the Sudan (see A/C.3/47/SR.58).

73. At the same meeting, the representative of Hungary made a motion that no action be taken on draft resolution A/C.3/47/L.48. 2/

74. At the same meeting, at the suggestion of the Chairman, the Committee decided to vote on whether to take action on draft resolution A/C.3/47/L.48. The Committee decided not to take action on the draft resolution, by a recorded vote of 50 to 25, with 54 abstentions. The voting was as follows:

In favour: Algeria, Angola, Burkina Faso, China, Cuba, Democratic People's Republic of Korea, Ghana, Honduras, Iran (Islamic Republic of), Iraq, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mongolia, Myanmar, Namibia, Sudan, Syrian Arab Republic, Uganda, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Against: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

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Abstaining: Afghanistan, Antigua and Barbuda, Armenia, Azerbaijan, Bahamas, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Cameroon, Colombia, Congo, Côte d'Ivoire, Croatia, Cyprus, Ecuador, Egypt, El Salvador, Equatorial Guinea, Fiji, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Indonesia, Jamaica, Jordan, Kazakhstan, Malawi, Mexico, Nicaragua, Nigeria, Pakistan, Papua New Guinea, Peru, Philippines, Rwanda, Saint Kitts and Nevis, Saudi Arabia, Sri Lanka, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tunisia, Uruguay, Venezuela.

75. The representative of Brazil made a statement in explanation of vote after the vote on the motion (see A/C.3/47/SR.58).

U. Draft resolution A/C.3/47/L.57

76. At the 55th meeting, on 3 December, the representative of Guatemala, on behalf of Argentina, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, France, Guatemala, Honduras, Hungary, Mexico, Nicaragua, Panama, Paraguay, Peru, Spain, Sweden, Uruguay and Venezuela, introduced a draft resolution entitled "Situation of human rights and fundamental freedoms in El Salvador" (A/C.3/47/L.57). Subsequently, Belize, Bolivia, Canada, Cuba and Samoa joined in sponsoring the draft resolution.

77. At the 58th meeting, on 4 December, the Committee adopted draft resolution A/C.3/47/L.57 without a vote (see para. 113, draft resolution XIX).

V. Draft resolution A/C.3/47/L.71

78. At the 55th meeting, on 3 December, the Chairman introduced a draft resolution entitled "Situation of human rights in Afghanistan" (A/C.3/47/L.71).

79. At its 58th meeting, on 4 December, the Committee adopted draft resolution A/C.3/47/L.71 without a vote (see para. 113, draft resolution XX).

80. After the adoption of the draft resolution, the representative of Afghanistan made a statement (see A/C.3/47/SR.58).

W. Draft resolutions A/C.3/47/L.72 and A/C.3/47/L.77

81. At the 56th meeting, on 3 December, the representative of the Sudan introduced a draft resolution entitled "Situation of human rights in the Sudan" (A/C.3/47/L.72), which read as follows:

"*The General Assembly*,

"*Being aware* of the fact that the Commission on Human Rights is seized of the situation of human rights in the Sudan under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

"*Recalling* resolution 1992/73 of 5 March 1992 3/ of the Commission on Human Rights on internally displaced persons, in which a special representative of the Secretary-General was appointed to study the question of internally displaced persons,

"*Bearing in mind* that both the Independent Expert of the Commission and the Special Representative of the Secretary-General visited the Sudan during November 1992 to carry out the mandate of the Commission,

"*Realizing* that the reports of the Independent Expert and the Special Representative of the Secretary-General will be before the Commission at its forty-ninth session, at which it will consider the situation of human rights in the Sudan,

"*Taking note* of draft resolution A/C.3/47/L.77 entitled 'The situation in the Sudan',

"*Decides* to postpone action on the draft resolution contained in document A/C.3/47/L.77 until the Commission on Human Rights considers the issue at its next session in the light of the requested reports."

82. At the same meeting, the representative of the United States of America, on behalf of *Argentina, Armenia, Australia, Belgium, Bulgaria, Canada, Costa Rica, Denmark, Finland, France,* the *Gambia, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg,* the *Netherlands, Norway, Panama, Portugal, Samoa, Spain, Sweden,* the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America* introduced a draft resolution entitled "The situation in the Sudan" (A/C.3/47/L.77).

83. At the 58th meeting, on 4 December, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of the States Members of the United Nations that are also members of the European Community, made a motion that action be taken on draft resolution A/C.3/47/L.77 before action was taken on draft resolution A/C.3/47/L.72. 2/. The representative of Australia seconded the motion.

84. At the same meeting, the representative of the Sudan orally revised the draft resolution contained in document A/C.3/47/L.72 as follows:

3/ See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

(a) The fifth preambular paragraph was deleted;

(b) The operative paragraph, which read as follows:

> "Decides to postpone action on the draft resolution contained in document A/C.3/47/L.77 until the Commission on Human Rights considers the issue at its next session in the light of the requested reports."

was replaced by the following:

> "Decides to postpone any action at this session on the situation of human rights in the Sudan until the Commission on Human Rights considers the issue at its next session, in the light of the requested reports."

85. At the same meeting, the Committee approved the motion by a recorded vote of 69 to 13, with 42 abstentions. The voting was as follows:

In favour: Albania, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Botswana, Bulgaria, Burundi, Canada, Costa Rica, Croatia, Cyprus, Czechoslovakia, Denmark, Estonia, Fiji, Finland, France, Germany, Ghana, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Saudi Arabia, Sierra Leone, Slovenia, Spain, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Iraq, Jordan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Afghanistan, Algeria, Angola, Azerbaijan, Bahamas, Barbados, Belarus, Belize, Benin, Brazil, Cameroon, Chile, Colombia, Côte d'Ivoire, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Guatemala, Guyana, India, Indonesia, Jamaica, Kazakhstan, Lesotho, Mexico, Namibia, Nepal, Papua New Guinea, Peru, Philippines, Saint Kitts and Nevis, Singapore, Sri Lanka, Suriname, Swaziland, Thailand, Uganda, United Republic of Tanzania, Venezuela, Zambia, Zimbabwe.

86. At the same meeting, a motion was made by the representative of the Sudan that no action be taken on draft resolution A/C.3/47/L.77. After a statement was made by the representative of the United Kingdom of Great Britain and Northern Ireland, the Chairman put the motion proposed by the Sudan to a vote. 2/

87. The Committee rejected the motion not to take action on draft resolution A/C.3/47/L.77, by a recorded vote of 77 to 12, with 36 abstentions. The voting was as follows:

In favour: China, Cuba, Democratic People's Republic of Korea, Iran (Islamic Republic of), Iraq, Jordan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Myanmar, Sudan, Syrian Arab Republic, Viet Nam.

Against: Albania, Algeria, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bolivia, Brazil, Bulgaria, Burundi, Canada, Chile, Costa Rica, Croatia, Cyprus, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Marshall Islands, Mauritius, Micronesia (Federated States of), Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Saudi Arabia, Sierra Leone, Singapore, Slovenia, Spain, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zambia.

Abstaining: Afghanistan, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Barbados, Belize, Botswana, Cameroon, Colombia, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Guatemala, Guyana, Honduras, India, Indonesia, Jamaica, Kazakhstan, Malaysia, Mexico, Namibia, Nigeria, Papua New Guinea, Philippines, Saint Kitts and Nevis, Sri Lanka, Suriname, Swaziland, Thailand, Uganda, United Republic of Tanzania, Venezuela, Zimbabwe.

88. At its 58th meeting, the Committee adopted draft resolution A/C.3/47/L.77 by a recorded vote of 102 to 7, with 27 abstentions (see para. 113, draft resolution XXI). 4/ The voting was as follows:

In favour: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Chile, Colombia, Comoros, Costa Rica, Croatia, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau,

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4/ Owing to a mechanical error, the negative vote by China was incorrectly recorded as an abstention.

Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Saudi Arabia, Sierra Leone, Singapore, Slovenia, Spain, Suriname, Sweden, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Zambia, Zimbabwe.

Against: Cuba, Iran (Islamic Republic of), Iraq, Libyan Arab Jamahiriya, Myanmar, Sudan, Syrian Arab Republic.

Abstaining: Afghanistan, Bahamas, Bangladesh, Barbados, Belize, Brunei Darussalam, Cameroon, China, Congo, Côte d'Ivoire, Guyana, Indonesia, Jamaica, Jordan, Kazakhstan, Lao People's Democratic Republic, Malaysia, Mauritania, Niger, Nigeria, Pakistan, Philippines, Saint Kitts and Nevis, Sri Lanka, Swaziland, Thailand, Viet Nam.

89. Before the adoption of the draft resolution, the representative of Iraq made a statement in explanation of vote (see A/C.3/47/SR.58).

90. After the adoption of the draft resolution, a statement in explanation of vote was made by the representative of the Libyan Arab Jamahiriya. Statements were also made by the representatives of Cuba, China and the Sudan (see A/C.3/47/SR.58).

91. Therefore, action was not taken on draft resolution A/C.3/47/L.72.

X. *Draft resolution A/C.3/47/L.73*

92. At the 56th meeting, on 3 December, the representative of Venezuela, on behalf of *Argentina,* the *Bahamas, Barbados, Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Ecuador, El Salvador, Finland, France, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Ireland, Italy, Jamaica, Japan, Luxembourg, Mexico,* the *Netherlands, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Samoa, Spain, Suriname, Sweden, Trinidad and Tobago,* the *United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu* and *Venezuela*, introduced a draft resolution (A/C.3/47/L.73) entitled "Human rights in Haiti". Subsequently, *Belize, Benin* and *Guyana* joined in sponsoring the draft resolution.

93. At its 59th meeting, on 4 December, the Committee adopted draft resolution A/C.3/47/L.73 without a vote (see para. 113, draft resolution XXII).

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94. After the adoption of the draft resolution, statements were made by the representatives of the United States of America and Haiti (see A/C.3/47/SR.59).

Y. *Draft resolution A/C.3/47/L.74*

95. At the 56th meeting, on 3 December, the representative of Sweden, on behalf of *Albania, Argentina, Australia, Belgium, Bulgaria, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg,* the *Netherlands, Norway, Panama, Poland, Portugal, Romania, Samoa, Spain, Sweden,* the *United Kingdom of Great Britain and Northern Ireland,* and the *United States of America*, introduced a draft resolution (A/C.3/47/L.74) entitled "Situation in Myanmar", and orally revised it by replacing operative paragraph 4, which read as follows:

> "*Urges* the Government of Myanmar to respect the outcome of the 1990 democratic elections"

with the following paragraph:

> "*Urges* the Government of Myanmar to take all necessary steps towards the restoration of democracy, fully respecting the will of the people as expressed in the democratic elections held in 1990".

96. At the 59th meeting, on 4 December, a statement was made by the representative of Myanmar (see A/C.3/47/SR.59).

97. At the same meeting, the Committee adopted draft resolution A/C.3/47/L.74, as orally revised, without a vote (see para. 113, draft resolution XXIII).

Z. *Draft resolution A/C.3/47/L.75*

98. At the 56th meeting, on 3 December, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of *Argentina, Australia, Belgium, Bulgaria, Canada, Costa Rica, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Liechtenstein, Luxembourg,* the *Netherlands, Norway, Poland, Portugal, Romania, Samoa, Spain, Sweden,* the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America*, introduced a draft resolution (A/C.3/47/L.75) entitled "Situation of human rights in Iraq". Subsequently, *Latvia, Lithuania* and *Panama* joined in sponsoring the draft resolution.

99. At its 59th meeting, on 4 December, the Committee adopted draft resolution A/C.3/47/L.75 by a recorded vote of 110 to 2, with 26 abstentions (see para. 113, draft resolution XXIV). The voting was as follows:

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In favour: Albania, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chile, Colombia, Congo, Costa Rica, Croatia, Cyprus, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kuwait, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovenia, Spain, Suriname, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Iraq, Sudan.

Abstaining: Afghanistan, Algeria, Angola, Bangladesh, Brunei Darussalam, China, Côte d'Ivoire, Cuba, Guinea-Bissau, India, Indonesia, Jordan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Morocco, Namibia, Pakistan, Philippines, Sri Lanka, Uganda, United Republic of Tanzania, Viet Nam, Zimbabwe.

100. Before the adoption of the draft resolution, the representative of Iraq made a statement in explanation of vote. A statement was also made by the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of the States Members of the United Nations that are members of the European Community (see A/C.3/47/SR.59).

101. After the adoption of the draft resolution, a statement in explanation of vote was made by the representative of the Sudan (see A/C.3/47/SR.59).

AA. *Draft resolution A/C.3/47/L.76*

102. At the 56th meeting, on 3 December, the representative of the United Kingdom of Great Britain and Northern Ireland, on behalf of *Australia, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg,* the *Netherlands, Norway, Portugal, Samoa, Spain, Sweden,* the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America*, introduced a draft resolution (A/C.3/47/L.76) entitled "Situation of human rights in the Islamic Republic of Iran".

103. At the 59th meeting, on 4 December, the representative of the United Kingdom of Great Britain and Northern Ireland orally revised the draft resolution as follows:

(a) In operative paragraph 5, the word "has" was deleted before the word "failed";

(b) In the same paragraph, the words "in time to be reflected in the interim report" were added at the end of the paragraph.

104. At the same meeting, the Committee adopted draft resolution A/C.3/47/L.76, as orally revised, by a recorded vote of 83 to 16, with 34 abstentions (see para. 113, draft resolution XXV). The voting was as follows:

In favour:	Albania, Algeria, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Canada, Cape Verde, Chile, Costa Rica, Croatia, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Russian Federation, Rwanda, Saint Kitts and Nevis, Samoa, Sierra Leone, Singapore, Slovenia, Spain, Suriname, Swaziland, Sweden, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.
Against:	Afghanistan, Bangladesh, China, Cuba, Democratic People's Republic of Korea, Indonesia, Iran (Islamic Republic of), Lao People's Democratic Republic, Libyan Arab Jamahiriya, Malaysia, Myanmar, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Viet Nam.
Abstaining:	Angola, Armenia, Brunei-Darussalam, Cameroon, Colombia, Congo, Côte d'Ivoire, Cyprus, Ethiopia, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Guyana, India, Jordan, Kazakhstan, Lesotho, Malawi, Mauritania, Mongolia, Namibia, Niger, Oman, Philippines, Qatar, Republic of Korea, Saudi Arabia, Thailand, Turkey, Uganda, United Republic of Tanzania, Zimbabwe.

105. After the adoption of the draft resolution, a statement in explanation of vote was made by the representative of the Libyan Arab Jamahiriya (see A/C.3/47/SR.59).

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BB. *Draft resolution A/C.3/47/L.79 and Rev.1*

106. At the 56th meeting, on 3 December 1992, the representative of the United States of America, on behalf of *Albania, Australia, Austria, Belgium, Bulgaria, Canada,* the *Central African Republic, Chile, Colombia, Costa Rica, Czechoslovakia, Denmark, Egypt, Finland, France,* the *Gambia, Germany, Greece, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Madagascar, Malaysia, Morocco,* the *Netherlands, Norway, Pakistan, Panama, Peru, Poland, Portugal, Samoa, Saudi Arabia, Slovenia, Spain, Sweden, Tunisia, Turkey,* the *United Kingdom of Great Britain and Northern Ireland* and the *United States of America*, introduced a draft resolution (A/C.3/47/L.79) entitled "The situation of human rights in the territory of the former Yugoslavia", which read as follows:

> "*The General Assembly*,
>
> "*Guided* by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, 5/ the International Covenants on Human Rights, 6/ the International Convention on the Elimination of All Forms of Racial Discrimination, 7/ and international humanitarian law, including the Geneva Conventions of 12 August 1949 8/ and the additional protocols thereto of 1977, 9/
>
> "*Deeply concerned* at the human tragedy in the territory of the former Yugoslavia, and at the continuing massive and systematic violations of human rights occurring in most of that territory, particularly in the areas of Bosnia and Herzegovina under Serbian control,
>
> "*Recalling* Security Council resolutions 771 (1992) of 13 August 1992, 780 (1992) of 6 October 1992 and 787 (1992) of 16 November 1992, which *inter alia*, demand that all parties and others concerned in the former Yugoslavia immediately cease and desist from all breaches of international humanitarian law, and pursuant to which the Secretary-General has established a Commission of Experts to examine and analyse information relating to violations of humanitarian law being committed in the territory of the former Yugoslavia,

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5/ Resolution 217 A (III).

6/ See resolution 2200 A (XXI), annex.

7/ Resolution 2106 A (XX), annex.

8/ United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

9/ Ibid., vol. 1125, Nos. 17512 and 17513.

"Recalling its resolution 46/242 of 25 August 1992, which demands an end to the fighting, condemns the massive violations of human rights and international humanitarian law occurring in the territory of the former Yugoslavia, in particular the abhorrent practice of 'ethnic cleansing', rejects recognition of the acquisition of territory by force and demands the safe, unconditional and honourable repatriation of refugees and deportees to their homes,

"Recalling also its resolution [...] condemning unreservedly 'ethnic cleansing', and reiterating its conviction that those who commit or order the acts of 'ethnic cleansing' are individually responsible and should be brought to justice,

"Recalling that the Commission on Human Rights at its first special session of 1992 to consider the situation of human rights in the former Yugoslavia, adopted resolution 1992/S-1/1, in which it condemned in the strongest terms all violations of human rights within the territory of the former Yugoslavia, called upon all parties to cease those violations immediately and to take all necessary steps to ensure full respect for human rights and fundamental freedoms and humanitarian law and requested its Chairman to appoint a special rapporteur to investigate the human rights situation in the territory of the former Yugoslavia,

"Noting with appreciation the efforts of the Special Rapporteur, as well as those of the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Special Rapporteur on the Question of Torture, and the Representative of the Secretary-General on Internally Displaced Persons, who accompanied him on one or both of his missions,

"Welcoming the decision by the Commission on Human Rights to meet again in special session to consider the reports of the Special Rapporteur,

"Encouraging the continuing efforts made in the framework of the International Conference on the former Yugoslavia to find a peaceful solution to the situation in the former Yugoslavia,

"Welcoming the consideration by the Human Rights Committee of the special reports from the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro), Croatia, and Bosnia and Herzegovina on the human rights situation in those parts of the territory of the former Yugoslavia, with respect to their obligations under the International Covenant on Civil and Political Rights,

"Noting with concern the comments adopted by the Human Rights Committee following consideration of those special reports at its meeting held on 6 November 1992,

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"_Welcoming_ the effort by the Conference on Security and Cooperation in Europe to prevent further human rights violations and its missions dispatched to the territory of the former Yugoslavia, including missions of long duration to Kosovo, Vojvodina and Sandjak, where the human rights situation remains a cause of great concern,

"_Gravely concerned_ at the human rights situation in the territory of the former Yugoslavia, and in particular at the continuing, odious practice of 'ethnic cleansing', which is the direct cause of the vast majority of human rights violations there and whose principal victims are the Muslim population virtually threatened with extermination,

"1. _Commends_ the Special Rapporteur for his reports on the situation of human rights in the territory of the former Yugoslavia;

"2. _Expresses_ its grave concern at the Special Rapporteur's detailed reports of violations of human rights and humanitarian law in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), and at his conclusion that most of the territory of the former Yugoslavia, in particular Bosnia and Herzegovina, is the scene of massive and systematic violations of human rights and grave violations of humanitarian law;

"3. _Condemns_ in the strongest possible terms the abhorrent practice of 'ethnic cleansing', and recognizes that the Serbian leadership in territories under their control in Bosnia and Herzegovina, the Yugoslav Army and the political leadership of the Republic of Serbia bear primary responsibility for this reprehensible practice, which flagrantly violates the most fundamental principles of human rights;

"4. _Condemns also_ the specific violations identified by the Special Rapporteur, most of which are caused by 'ethnic cleansing', and which include killings, torture, beatings, rape, disappearances, destruction of houses, and other acts or threats of violence aimed at forcing individuals to leave their homes, as well as reports of violations of human rights in connection with detention;

"5. _Condemns further_ the indiscriminate shelling of cities and civilian areas, the systematic terrorization and murder of non-combatants, the destruction of vital services, the besieging of cities and the use of military force against civilian populations and relief operations by all sides, recognizing that the main responsibility lies with Serbian forces;

"6. _Demands_ that all parties involved in the former Yugoslavia cease these violations immediately, take appropriate steps to apprehend and punish those who are guilty of perpetrating or authorizing the violations, including those violations in connection with detention and take all necessary measures to ensure the enjoyment of human rights and fundamental freedoms, in accordance with their obligations under the

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Geneva Conventions of 1949, 8/ and the additional protocols thereto of 1977, 9/ the International Covenants on Human Rights, 6/ and other international human rights instruments;

"7. Reaffirms that all persons who perpetrate or authorize crimes against humanity, and other grave breaches of international humanitarian law are individually responsible for those breaches and that the international community will exert every effort to bring them to justice, and calls on all parties to provide all pertinent information to the Commission of Experts in accordance with Security Council resolution 780 (1992);

"8. Expresses deep concern at the number of disappearances and missing persons in the former Yugoslavia, and calls on all parties to make all possible efforts to account for those missing;

"9. Demands an immediate end to the practice of 'ethnic cleansing', and in particular that the Government of the former Federal Republic of Yugoslavia (Serbia and Montenegro) use its influence with the self-proclaimed Serbian authorities in Bosnia and Herzegovina and Croatia to bring the practice of 'ethnic cleansing' to an immediate end and to reverse the effects of that practice;

"10. Reaffirms that States are to be held accountable for violations of human rights which their agents commit upon the territory of another State;

"11. Expresses its complete support for the victims of these violations, reaffirms the right of all persons to return to their homes in safety and dignity, considers invalid all acts made under duress affecting ownership of property and other related questions and recognises the right of victims of 'ethnic cleansing' to receive reparation for their losses;

"12. Condemns in particular the violations of human rights and humanitarian law in connection with detention, including killings, torture and the systematic practice of rape, and calls upon all parties in the former Yugoslavia to close immediately all detention centres not in compliance with the Geneva Conventions, and to release immediately all persons arbitrarily or illegally detained;

"13. Demands that the International Committee of the Red Cross, the Special Rapporteur, the Conference on Security and Cooperation in Europe missions and other relevant international humanitarian organizations be granted immediate, unimpeded and continued access to all camps, prisons and other places of detention within the territory of the former Yugoslavia;

"14. Expresses its grave concern at the Special Rapporteur's report on the dangerous situation in Kosovo, Sandjak and Vojvodina, and urges

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all parties there to engage in a meaningful dialogue under the auspices of the International Conference on the former Yugoslavia, to act with utmost restraint and to settle disputes in full compliance with human rights and fundamental freedoms, and calls on the Serbian authorities to refrain from the use of force and immediately stop the practice of 'ethnic cleansing' and to respect fully the rights of persons belonging to minorities, in order to prevent the extension of the conflict to other parts of the former Yugoslavia;

"15. Calls upon the parties to implement immediately all commitments made in the framework of the International Conference on the former Yugoslavia and to work together to ensure the success of the Conference, and welcomes in this regard the acceptance by the government of Bosnia and Herzegovina of the constitutional proposals of the Co-Chairmen as a basis for negotiations;

"16. Endorses the resolution adopted by the Commission on Human Rights at its second special session of 1992 addressing the reports of the Special Rapporteur, in particular its call for all States to consider the extent to which the acts committed in Bosnia and Herzegovina and in Croatia constitute genocide, in accordance with the Convention on the Prevention and Punishment of the Crime of Genocide; 10/

"17. Calls upon all United Nations bodies, including the United Nations Protection Force and the specialized agencies and invites Governments and informed intergovernmental and non-governmental organizations to cooperate fully with the Special Rapporteur, and in particular to provide him on a continuing basis with all relevant and accurate information in their possession on the situation of human rights in the former Yugoslavia;

"18. Urges all States, United Nations bodies, including the specialized agencies as well as the Special Rapporteur and, as appropriate, international humanitarian organizations, to make available substantiated information in their possession or submitted to them relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions being committed in the territory of the former Yugoslavia to the Commission of Experts pursuant to Security Council resolution 780 (1992);

"19. Urges all States and relevant organizations to consider implementation of the recommendations of the Special Rapporteur, and in particular:

"(a) Welcomes the Special Rapporteur's call for the opening of humanitarian relief corridors to prevent the imminent death of tens of thousands of persons in besieged cities;

10/ Resolution 260 A (III).

"(b) Welcomes the Security Council's invitation in its resolution 787 (1992) to the Secretary-General, in consultation with the United Nations High Commissioner for Refugees and other relevant agencies, to study the possibility and requirements for the promotion of safe areas and the Special Rapporteur's recommendation for the creation of such security zones for the protection of displaced persons, while keeping in mind that the international community must not acquiesce in demographic changes caused by 'ethnic cleansing';

"(c) Draws the attention of the Commission of Experts established by Security Council resolution 780 (1992) to the need for an immediate and urgent investigation by qualified experts of a mass grave near Vukovar and other mass grave sites and places where mass killings are reported to have taken place, and requests the Secretary-General, within the overall budgetary framework of the United Nations, to make available all necessary resources for this undertaking and for the other work of the Commission;

"20. Requests the Secretary-General to take all necessary steps to ensure the full and effective coordination of all United Nations bodies to implement the present resolution, and calls upon those bodies concerned with the situation in the territory of the former Yugoslavia to coordinate closely with the Special Rapporteur and the Commission of Experts;

"21. Also requests the Secretary-General, within the overall budgetary framework of the United Nations, to make all necessary resources available for the Special Rapporteur to carry out his mandate and in particular to provide him with a number of staff based in the territories of the former Yugoslavia adequate to ensure effective continuous monitoring of the human rights situation there and coordination with other United Nations bodies involved, including the United Nations Protection Force;

"22. Further requests the Secretary-General to give all other necessary assistance to the Special Rapporteur to enable him to fulfil his mandate;

"23. Decides to continue its examination of the situation of human rights in the former Yugoslavia during its forty-eighth session under the item entitled 'Human rights questions'."

107. At the same meeting, the representative of the United States of America read out revisions to the draft resolution that were later included in document A/C.3/47/L.79/Rev.1.

108. At its 59th meeting, on 4 December, the Committee had before it a revised draft resolution (A/C.3/47/L.79/Rev.1).

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109. Subsequently, Afghanistan, Bulgaria, Croatia, New Zealand, the Republic of Moldova, Senegal, the Sudan and Uruguay joined in sponsoring the revised draft resolution.

110. At its 59th meeting, the Committee adopted draft resolution A/C.3/47/L.79/Rev.1 without a vote (see para. 113, draft resolution XXVI).

111. After the adoption of the draft resolution, statements were made by the representatives of Sweden, the Russian Federation and El Salvador (see A/C.3/47/SR.59).

CC. Reports considered under the item entitled "Human rights questions"

112. Also at its 59th meeting, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of reports considered under the item entitled "Human rights questions" (see para. 114, draft decision III).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

113. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

World Conference on Human Rights

The General Assembly,

Mindful of the goal of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, as set out in the Charter of the United Nations and the Universal Declaration of Human Rights, [11]

Recognizing that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of another,

Recalling its resolutions 45/155 of 18 December 1990, in which it decided, inter alia, to convene at a high level a World Conference on Human Rights in 1993, and 46/116 of 17 December 1991,

Taking note of Commission on Human Rights resolution 1991/30 of 5 March 1991, [12]

Convinced that the holding of a world conference on human rights could make a significant contribution to the effectiveness of the actions of the United Nations in the promotion and protection of human rights,

Recognizing the urgency of adopting a draft agenda for the World Conference on Human Rights before the final session of the Preparatory Committee,

1. Takes note with appreciation of the reports of the Preparatory Committee for the World Conference on Human Rights on the work of its second and third sessions; [13]

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[11] Resolution 217 A (III).

[12] See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

[13] Official Records of the General Assembly, Forty-seventh Session, Supplement No. 24 (A/47/24) and A/47/24/Add.1.

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2. *Expresses its satisfaction* to Governments, the bodies and organs of the United Nations system and non-governmental organizations for their contributions to the preparatory process;

3. *Approves* the draft rules of procedure for the World Conference on Human Rights, as recommended by the Preparatory Committee at its second and third sessions, with the exception of rule 15 (e);

4. *Decides* that the distribution of the 29 vice-presidents of the World Conference on Human Rights should be in accordance with the established criteria of the General Assembly based on equitable geographical distribution;

5. *Approves* the recommendation made by the Preparatory Committee at its third session regarding the participation of non-governmental organizations in regional meetings related to the preparatory process;

6. *Also approves* the provisional agenda for the World Conference on Human Rights, as annexed to the present resolution, on the understanding that participants can raise issues of interest to them under the appropriate agenda item at the fourth session of the Preparatory Committee and the World Conference on Human Rights for possible inclusion in the final document;

7. *Decides*, in accordance with the decisions adopted by the Preparatory Committee:

(a) (i) That the Preparatory Committee shall meet for its fourth session at Geneva, for a period of two weeks in April 1993;

(ii) That the question of the final outcome of the World Conference shall be taken up by the Preparatory Committee at its fourth session, taking into consideration, *inter alia*, the preparatory work and conclusions of the regional meetings to be held at Tunis, San José and Bangkok;

(iii) That the Secretary-General shall give the Conference and the preparatory process thereto the widest possible publicity and ensure full coordination of public information activities in the area of human rights within the United Nations system;

(b) To renew its invitation for contributions of extrabudgetary resources to meet the costs of the participation of representatives of the least developed countries in the preparatory meetings, including regional meetings, and in the World Conference itself, and to request the Secretary-General to intensify his efforts in this regard;

8. *Renews its request* to Governments, the specialized agencies, other international organizations, regional organizations and non-governmental organizations concerned with human rights or development to participate actively in the preparatory process and in the World Conference itself;

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9. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the outcome of the World Conference on Human Rights, under the item entitled "Human rights questions".

Annex

PROVISIONAL AGENDA FOR THE WORLD CONFERENCE ON HUMAN RIGHTS

1. Opening of the Conference.

2. Election of the President.

3. Adoption of the rules of procedure.

4. Election of other officers of the Conference.

5. Appointment of the Credentials Committee.

6. Establishment of committees and working groups.

7. Adoption of the agenda.

8. Commemoration of the International Year of the World's Indigenous People.

9. General debate on the progress made in the field of human rights since the adoption of the Universal Declaration of Human Rights and on the identification of obstacles to further progress in this area and ways in which they can be overcome.

10. Consideration of the relationship between development, democracy and the universal enjoyment of all human rights, keeping in view the interrelationship and indivisibility of economic, social, cultural, civil and political rights.

11. Consideration of contemporary trends in and new challenges to the full realisation of all human rights of women and men, including those of persons belonging to vulnerable groups.

12. Recommendations for:

    (a) Strengthening international cooperation in the field of human rights in conformity with the Charter of the United Nations and with international human rights instruments;

    (b) Ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues;

    (c) Enhancing the effectiveness of United Nations activities and mechanisms;

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(d) Securing the necessary financial and other resources for United Nations activities in the area of human rights.

13. Adoption of the final documents and report of the Conference.

DRAFT RESOLUTION II

Right to development

The General Assembly,

Reaffirming the proclamation by the General Assembly at its forty-first session of the Declaration on the Right to Development, [14]

Recalling its resolutions 45/97 of 14 December 1990 and 46/123 of 17 December 1991, and those of the Commission on Human Rights relating to the right to development, and taking note of Commission resolution 1992/13 of 21 February 1992, [15]

Recalling also the report on the Global Consultation on the Realization of the Right to Development as a Human Right, [16]

Recalling further the principles proclaimed in the Rio Declaration on Environment and Development of 14 June 1992, [17]

Reiterating the importance of the right to development for all countries, in particular the developing countries,

Mindful that the Commission on Human Rights entered a new phase in its consideration of this matter, which is directed towards the implementation and further enhancement of the right to development,

Reaffirming the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development,

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[14] Resolution 41/128, annex.

[15] See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22 and Corr.1).

[16] E/CN.4/1990/9/Rev.1.

[17] See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26 (Vol. I)).

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Recalling its resolution 45/155 of 18 December 1990, in which it decided, *inter alia*, that one of the objectives of the World Conference on Human Rights to be held in 1993 would be to examine the relation between development and the enjoyment by everyone of economic, social and cultural rights as well as civil and political rights, recognizing the importance to creating the conditions whereby everyone may enjoy these rights as set out in the International Covenants on Human Rights, [18]

Recalling also that, in order to promote development, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Having considered the comprehensive report of the Secretary-General prepared pursuant to resolution 46/123, [19]

1. *Reaffirms* the importance of the right to development for all countries, in particular the developing countries;

2. *Takes note with interest* of the comprehensive report of the Secretary-General prepared in accordance with General Assembly resolution 46/123;

3. *Requests* the Secretary-General to submit to the Commission on Human Rights at its forty-ninth session concrete proposals on the effective implementation and promotion of the Declaration on the Right to Development, taking into account the views expressed on the issue at the forty-eighth session of the Commission as well as any further comments and suggestions that may be submitted on the basis of paragraph 3 of Commission resolution 1992/13;

4. *Reiterates* the need for appropriate ways and means, such as an evaluation mechanism, to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development;

5. *Requests* the Office of the Under-Secretary-General for Economic and Social Development and the Centre for Human Rights of the Secretariat to continue coordination of the various activities with regard to the implementation of the Declaration;

6. *Urges* all relevant bodies of the United Nations system, particularly the specialized agencies, when planning their programmes of activities, to take due account of the Declaration and to make efforts to contribute to its application;

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[18] See resolution 2200 A (XXI), annex.

[19] E/CN.4/1992/10.

7. Also urges the regional commissions and regional intergovernmental organizations to convene meetings of governmental experts and representative non-governmental and grass-roots organizations for the purpose of seeking agreements for the implementation of the Declaration through international cooperation;

8. Requests the Secretary-General to inform the Commission on Human Rights at its forty-ninth session and the General Assembly at its forty-eighth session of the activities of the organizations, programmes and agencies of the United Nations system on the implementation of the Declaration;

9. Calls upon the Commission on Human Rights to continue to make proposals to the General Assembly, through the Economic and Social Council, on the future course of action on the question, in particular on practical measures for the implementation and enhancement of the Declaration, taking into account the conclusion and recommendations of the Global Consultation and replies contained in the report of the Secretary-General prepared in accordance with the relevant decisions of the Commission and the General Assembly;

10. Also calls upon the World Conference on Human Rights and its Preparatory Committee to take fully into account the Declaration in examining the relationship between economic and social development, democracy and the enjoyment of human rights and the indivisibility and interdependency of economic, social, cultural and political rights, and the fact that economic and social progress facilitate the growing trend towards democracy and the promotion and protection of human rights;

11. Decides to consider this question at its forty-eighth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION III

United Nations Year for Tolerance

The General Assembly,

Recalling that the Charter of the United Nations affirms in its preamble that to practise tolerance is one of the principles to be applied to attain the ends pursued by the United Nations of preventing war and maintaining peace,

Recalling also that one of the purposes of the United Nations as set forth in the Charter is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

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Mindful of the Universal Declaration of Human Rights 11/ and of the International Covenants on Human Rights, 20/

Noting with appreciation resolution 5.6 of the General Conference of the United Nations Educational, Scientific and Cultural Organisation, concerning the proclamation of 1995 as the United Nations year for tolerance,

Taking note of Economic and Social Council decision 1992/267 of 30 July 1992 and of the note by the Secretary-General, 21/

Bearing in mind its decision 35/424 of 5 December 1980 and Economic and Social Council resolution 1980/67 of 25 July 1980 concerning guidelines for international years and anniversaries,

1. *Welcomes* the initiative of the United Nations Educational, Scientific and Cultural Organization in proclaiming 1995 United Nations year for tolerance;

2. *Requests* the Director-General of the United Nations Educational, Scientific and Cultural Organization to prepare, in cooperation with other interested organizations, his suggestions on the observance of the United Nations year of tolerance and to submit them to the General Assembly at its forty-eighth session, through the Economic and Social Council;

3. *Invites* the Economic and Social Council to consider at its next session the question of proclaiming 1995 the United Nations year for tolerance and to transmit a recommendation to the General Assembly at its forty-eighth session;

4. *Encourages* the United Nations Educational, Scientific and Cultural Organization to prepare, in accordance with General Conference resolution 5.6, a declaration on tolerance;

5. *Decides* to consider the question at its forty-eighth session.

DRAFT RESOLUTION IV

Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and all its subsequent resolutions concerning regional arrangements for the promotion and

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20/ See resolution 2100 A (XXI), annex.

21/ A/47/445.

/...

protection of human rights, in particular resolutions 45/167 and 45/168 of 18 December 1990,

Recalling also that, in its resolution 45/167, the General Assembly invited the Secretary-General to submit to the Assembly at its forty-seventh session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of that resolution,

Recalling further Commission on Human Rights resolution 1992/52 of 5 March 1992 on regional arrangements for the promotion and protection of human rights, 15/

Recalling the relevant resolutions of the Commission on Human Rights concerning advisory services in the field of human rights, including its most recent resolution on that subject, 1992/80 of 5 March 1992, 15/

Recalling also Commission on Human Rights resolution 1989/50 of 7 March 1989 and taking note of Commission resolutions 1990/71 of 7 March 1990, 1991/28 of 5 March 1991 12/ and 1992/40 of 28 February 1992 15/ concerning regional arrangements for the promotion of human rights in the Asian and Pacific region,

Having considered the report of the Secretary-General on regional arrangements for the promotion and protection of human rights, 22/

Noting with satisfaction the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

Reaffirming that regional arrangements for the promotion and protection of human rights may make a major contribution to the effective enjoyment of human rights and fundamental freedoms and that the exchange of information and experience in this field among the regions, within the United Nations system, may be improved,

Bearing in mind that regional instruments should complement the universally accepted human rights standards and that the persons chairing the human rights treaty bodies noted during their third meeting, held at Geneva from 1 to 5 October 1990, 23/ that certain inconsistencies between provisions of international instruments and those of regional instruments might raise difficulties with regard to their implementation,

1. *Takes note* of the report of the Secretary-General;

22/ A/47/502.

23/ See A/45/636, annex.

2. Welcomes the continuing cooperation and assistance of the Centre for Human Rights of the United Nations Secretariat in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, particularly in the field of advisory services and technical assistance, public information and education, with a view to exchanging any information and experience in the field of human rights;

3. Welcomes also in that respect the close cooperation given by the Centre for Human Rights of the United Nations Secretariat in the organization of regional and subregional training courses or workshops in the field of human rights including, most recently, those that took place at San Remo, Cairo, Windhoek, Paris, Barcelona, Valetta, Teheran, Caracas, Brasilia and Santiago, aiming at creating greater understanding of the promotion and protection of human rights issues in the regions and at improving procedures and examining the various systems for the promotion and protection of the universally accepted human rights standards;

4. Stresses the importance of the programme of advisory services in the field of human rights, and renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations under this programme of organizing information and/or training courses at the national level for government personnel on the application of international human rights standards and the experience of relevant international bodies;

5. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

6. Requests the Secretary-General, as foreseen in the medium-term plan for the period 1992-1997, to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights, and welcomes, in this connection, the fact that the Centre for Human Rights of the United Nations Secretariat will continue to organize national, regional and subregional workshops and training courses for government officials engaged in the administration of justice and in the implementation of the international human rights instruments and that more countries in all regions of the world would develop forms of cooperation and assistance with the Centre for Human Rights, in keeping with their specific needs;

7. Invites the organizers of regional meetings convened in preparation for the World Conference on Human Rights to be held in 1993 to promote further ratification of and accession to United Nations human rights treaties and the implementation of universally accepted human rights standards;

8. Welcomes the recommendation of the persons chairing or representing the United Nations human rights treaty bodies concerning a possible meeting, during the World Conference on Human Rights, of the persons chairing or representing the United Nations human rights treaty bodies and those chairing or representing each of the principal regional organizations and institutions

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in the field of human rights, and requests the Preparatory Committee for the World Conference on Human Rights to consider the holding of such a meeting;

9. Requests the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations;

10. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of the present resolution;

11. Decides to consider this question further at its forty-ninth session.

DRAFT RESOLUTION V

The plight of street children

The General Assembly,

Recalling the Convention on the Rights of the Child [24] as a major contribution to the protection of the rights of all children,

Recalling also the World Declaration and Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children, [25] adopted at the 1990 World Summit for Children, the World Declaration on Education for All [26] adopted at Jomtien in 1990 and chapter 25 of Agenda 21 adopted at the United Nations Conference on Environment and Development, held at Rio de Janeiro from 3 to 14 June 1992, [27]

Reaffirming that children are a particularly vulnerable section of society whose rights require special protection and that children living under

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24/ Resolution 44/25, annex.

25/ A/45/625, annex.

26/ Final Report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 5-9 March 1990, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, New York, 1990, appendix 1.

27/ See Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992 (A/CONF.151/26, Vols. I, II and Corr.1, and III).

especially difficult circumstances, such as street children, deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation,

Profoundly concerned that the killing of and violence against street children threatens the most fundamental right of all: the right to life,

Recognizing that all children have the right to health, shelter and education, to an adequate standard of living and to freedom from violence and harassment,

Deeply concerned about the growing number of street children world wide and the squalid conditions in which these children are often forced to live,

Recognizing the responsibility of Governments to investigate all cases of offences against children and to punish offenders,

Recognizing also that legislation per se is not enough to prevent violation of human rights, including those of street children, and that Governments should implement their laws and complement legislative measures with effective action, inter alia, in the fields of law enforcement and in the administration of justice,

Welcoming the efforts taken by countries to address the question of street children,

Welcoming also the publicity given to and the increased awareness of the plight of street children, and the achievements of non-governmental organizations in promoting their rights and in providing practical assistance to improve their situation, and expressing its appreciation of their continued efforts,

Welcoming further the valuable work of the United Nations Children's Fund and its National Committees in reducing the suffering of street children,

Taking note with appreciation of the important work carried out in this field by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the United Nations International Drug Control Programme,

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, rural-to-urban migration, unemployment, broken families, intolerance and exploitation, and that such causes are often aggravated and their solution made more difficult by serious socio-economic difficulties,

Reaffirming the importance of international cooperation for improving the living conditions of children in every country, _Recognizing_ that the prevention and solution of certain aspects of this phenomenon could also be facilitated in the context of economic and social development,

1. _Expresses grave concern_ at the growing number of incidents world wide and reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

2. _Urges_ Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society and to provide, _inter alia_, adequate nutrition, shelter, health care and education;

3. _Strongly urges_ Governments to respect fundamental human rights, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat violence and torture against street children;

4. _Emphasizes_ that strict compliance with the provisions of the Convention on the Rights of the Child 24/ constitutes a significant step towards solving the problems of street children;

5. _Calls upon_ all States that have not done so to become parties to the Convention as a matter of priority;

6. _Calls upon_ the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children, and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and [illegible] consider requesting, or indicating their need for, technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

7. _Invites_ the Committee on the Rights of the Child to consider the possibility of a general comment on street children;

8. _Recommends_ that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies bear this growing problem in mind when examining reports from States parties;

9. _Invites_ Governments, United Nations bodies and organizations and intergovernmental and non-governmental organizations to cooperate with each other and to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, supporting development projects that can have a positive impact on the situation of street children;

10. _Calls upon_ special rapporteurs, special representatives and working groups of the Commission on Human Rights and of the Subcommission on the Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

11. *Invites* the Commission on Human Rights to examine this problem at its forty-ninth session;

12. *Decides* to reconsider the question at its forty-eighth session under the item entitled "Human rights questions".

DRAFT RESOLUTION VI

Strengthening of the Centre for Human Rights of the Secretariat

The General Assembly,

Recalling its resolutions 44/135 of 15 December 1989, 45/180 of 21 December 1990, 46/118 of 17 December 1991 and 46/111 of 17 December 1991,

Bearing in mind Commission on Human Rights resolutions 1989/46 of 6 March 1989, 1990/25 of 27 February 1990, 1991/23 of 5 March 1991 12/ and 1992/53 of 3 March 1992 15/ and Economic and Social Council resolutions 1990/47 of 25 May 1990 and 1991/36 of 31 May 1991,

Recalling Commission on Human Rights resolutions 1989/54 of 7 March 1989 and 1991/22 of 5 March 1991 12/ on the coordinating role of the Centre for Human Rights of the United Nations Secretariat within the United Nations system,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the United Nations enshrined in the Charter of the United Nations and an issue of the utmost importance for the Organization,

Recalling that the Secretary-General, in his report on the work of the Organization for 1992, 28/ stated that the "Charter of the United Nations places the promotion of human rights as one of our priority objectives, along with promoting development and preserving international peace and security", an approach which he also applied in his proposals for 1994-1995,

Bearing in mind Commission on Human Rights resolution 1992/80 of March 1992 on advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, 15/ and recognizing the growing importance of advisory services in the field of human rights for the promotion and strengthening of human rights, as demonstrated by the increasing number of requests from Governments for support and technical assistance in the field of human rights,

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28/ *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 1* (A/47/1).

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Recognizing the important role of the Centre for Human Rights of the United Nations Secretariat in the promotion, protection and implementation of human rights and the need to provide sufficient human resources to the Centre, particularly in view of the fact that its workload has dramatically increased, while resources have failed to keep pace with the expansion of its responsibilities,

Noting that the difficult financial situation of the Centre for Human Rights of the United Nations Secretariat during the biennium 1992-1993 has created considerable obstacles in implementing the various procedures and mechanisms, negatively influenced the servicing by the Secretariat of the bodies concerned and impaired the quality and precision of the reporting,

Having considered the report of the Secretary-General, [29] and his previous reports, and taking note of the additional posts for the Centre for Human Rights authorized by the Secretary-General for an initial period of six months and of those which only replace temporary posts that have been abolished,

Noting that, in spite of recent developments, the disparity between mandates themselves and resources available to carry them out has grown further, as a result of additional mandates given to the Centre for Human Rights by intergovernmental and expert bodies, after the preparation of the proposed programme budget for the biennium 1992-1993, and the adoption of that budget,

Noting also that the Assembly, in section XIX of its resolution 46/185 C of 20 December 1991, also requested the Secretary-General, with regard to the recommendation of the Advisory Committee on Administrative and Budgetary Questions on the level of general temporary assistance for section 28, to ensure that adequate resources were available during the biennium 1992-1993,

Noting further that the Committee for Programme and Coordination, at its thirty-second session, held from 11 to 22 May 1992, reaffirmed its previous recommendations on the strengthening of the programmes and activities of the Centre, in the context of the proposed revisions to the medium-term plan for the period 1992-1997, [30]

Noting that the Advisory Committee on Administrative and Budgetary Questions, in revising estimates for the programme budget for the biennium 1992-1993, took note of the redeployment of five posts to the Centre for Human

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[29] A/47/702.

[30] See *Official Records of the General Assembly, Forty-seventh Session, Supplement No. 16* (A/47/16).

Rights of the United Nations Secretariat, 31/ which will be used to respond to the mandate established by the Commission on Human Rights at its first special session, held on 13 and 14 August 1992,

1. Supports the efforts of the Secretary-General to enhance the role and importance of the Centre for Human Rights of the United Nations Secretariat as coordinating unit within the United Nations system of bodies dealing with the promotion and the protection of human rights;

2. Takes note of the statement in the report of the Secretary-General on the implications of organizational changes to the effect that the Secretary-General would propose to use the remaining vacant posts now available in the Secretariat "in the light of new initiatives and emerging mandates and priorities"; 32/

3. Emphasizes that, in reviewing the proposed programme budget for the biennium 1992-1993, adequate staffing, temporary assistance and other resources should be allocated to the Centre for Human Rights of the United Nations Secretariat so as to enable it to respond to its increasing workload and to cover its needs in order to carry out all the functions assigned to it, including the preparations for the World Conference on Human Rights as well as the Conference itself;

4. Requests the Secretary-General to ensure that sufficient resources are accorded to the Centre for Human Rights to enable it to carry out, in full and on time, all the mandates, including the additional ones, resulting from the decisions of intergovernmental and expert bodies;

5. Also requests the Secretary-General to submit an interim report to the Commission on Human Rights at its forty-ninth session and a final report to the General Assembly at its forty-eighth session on the developments relating to the activities of the Centre for Human Rights and on the measures taken to implement the present resolution.

31/ See A/47/7/Add.1.

32/ A/C.5/47/2 and Corr.1, para. 23.

DRAFT RESOLUTION VII

Development of public information activities in the field of human rights

The General Assembly,

Reaffirming that activities to improve public knowledge in the field of human rights are essential to the fulfilment of the purposes of the United Nations set out in Article 1, paragraph 3, of the Charter of the United Nations and that carefully designed programmes of teaching, education and information are essential to the achievement of lasting respect for human rights and fundamental freedoms,

Recalling the relevent resolutions adopted by the General Assembly and the Commission on Human Rights,

Recognizing the catalytic effect of initiatives of the United Nations on national and regional public information activities in the field of human rights,

Recognizing also the valuable role that non-governmental organizations can play in those endeavours,

Noting the recommendation of the fourth meeting of persons chairing the human rights treaty bodies to the effect that an expert group from outside the Secretariat be constituted to undertake a comprehensive review of the existing information programme of the Centre for Human Rights of the Secretariat,

1. Takes note of the report of the Secretary-General on the development of public information activities in the field of human rights; 33/

2. Reaffirms the need for information materials on human rights to be carefully designed in clear and accessible form, to be tailored to regional and national requirements and circumstances with specific target audiences in mind, and to be effectively disseminated in national and local languages and in sufficient volume to have the desired impact, and for effective use also to be made of the mass media, in particular radio and television and audiovisual technologies, in order to reach wider audiences, priority being given to children, young people and the disadvantaged, including those in isolated areas;

3. Urges the Secretariat to take measures to ensure the further production and effective dissemination of human rights information materials, especially those on the basic United Nations human rights instruments and institutions, in national and local languages, in cooperation with regional,

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33/ A/47/503.

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national and local organisations, as well as with Governments, making full and effective use of the United Nations information centres;

4. Reiterates its request to the Secretary-General to ensure that recent periodic reports of States parties to treaty-monitoring bodies and the summary records of discussions on them in the treaty bodies be available in the United Nations information centres of the countries that have submitted those reports;

5. Welcomes the information relative to the situation of documentation on human rights at each United Nations information centre contained in the report of the Secretary-General, and reiterates the need to ensure, within available resources, the collection of basic United Nations information and reference material on human rights and fundamental freedoms at each of those centres and for the centres to disseminate human rights materials in all countries within their designated areas of activity;

6. Encourages all Member States to make special efforts, particularly in view of the World Conference on Human Rights to be held in 1993, to provide, facilitate and encourage publicity for the activities of the United Nations in the field of human rights and to accord priority to the dissemination, in their respective national and local languages, of the texts of the Universal Declaration of Human Rights, 11/ the International Covenants on Human Rights 20/ and major conventions on human rights, as well as information and education on the practical ways in which the rights and freedoms enjoyed under those instruments can be exercised;

7. Urges all Member States to include in their educational curricula materials relevant to a comprehensive understanding of human rights issues, and encourages all those responsible for training in law and its enforcement, the armed forces, medicine, diplomacy and other relevant fields to include appropriate human rights components in their programmes;

8. Notes the special value, under the advisory services and technical assistance programme, of regional and national training courses and workshops, in cooperation with Governments, regional and national organizations and non-governmental organizations, in promoting practical education and awareness in the field of of human rights;

9. Requests the Secretary-General to ensure the fullest effective deployment of the skills and resources of all concerned units of the Secretariat and to make available, within existing resources, in particular from the budget of the Department of Public Information of the Secretariat, adequate funding for developing practical and effective human rights information activities;

10. Calls upon the Centre for Human Rights of the Secretariat, which has primary responsibility within the United Nations system in the field of human rights, to coordinate the substantive activities of the World Public Information Campaign for Human Rights pursuant to the direction of the General

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Assembly and the Commission on Human Rights, and to serve as liaison with Governments, regional and national institutions, non-governmental organizations and concerned individuals in the development and implementation of the activities of the Campaign;

11. Calls upon the Department of Public Information, which has primary responsibility for public information activities, to coordinate the public information activities of the Campaign and, in its responsibility as secretariat to the Joint United Nations Information Committee, to promote coordinated system-wide information activities in the field of human rights;

12. Stresses the need for close cooperation between the Centre for Human Rights and the Department of Public Information in the implementation of the aims established for the Campaign and the need for the United Nations to harmonize its activities in the field of human rights with those of other organizations, including the International Committee of the Red Cross with regard to the dissemination of information on international humanitarian law, and the United Nations Educational, Scientific and Cultural Organization with regard to education for human rights;

13. Requests the Secretary-General to take advantage, as much as possible, of the collaboration of non-governmental organizations for, inter alia, the dissemination of human rights materials, with a view to increasing universal awareness of human rights and fundamental freedoms;

14. Requests the Commission on Human Rights, at its forty-ninth session, to consider the recommendation made by the fourth meeting of persons chairing the human rights treaty bodies that an expert group, from outside the Secretariat, be appointed to review comprehensively the existing information programme of the Centre for Human Rights, with a view to developing a new information strategy that integrates the needs of the various sections within the human rights programme, including treaty bodies;

15. Requests the Secretary-General to submit to the General Assembly at its forty-ninth session a comprehensive report on the implementation of the present resolution for consideration under the sub-item entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION VIII

Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion, *Recognizing* that these rights derive from the inherent dignity of the human person,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling its resolution 46/131 of 17 December 1991, in which it requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Recalling Commission on Human Rights resolution 1992/17 of 21 February 1992 15/ and Economic and Social Council decision 1992/226 of 20 July 1992, by which the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures, as appropriate, was extended for three years,

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Alarmed that serious instances, including acts of violence, of intolerance and discrimination on the grounds of religion or belief occur in many parts of the world, as evidenced in the report of the Special Rapporteur of the Commission on Human Rights, Mr. Angelo Vidal d'Almeida Ribeiro, 34/

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief;

1. *Reaffirms* that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

34/ E/CN.4/1992/52.

2. Urges States to ensure that their constitutional and legal systems provide adequate guarantees of freedom of thought, conscience, religion and belief, including the provision of effective remedies where there is intolerance or discrimination based on religion or belief;

3. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

4. Urges all States therefore to take all appropriate measures to combat hatred, intolerance and acts of violence and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

5. Also urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

6. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;

7. Also calls upon all States in accordance with their national legislation to exert utmost efforts to ensure that religious places and shrines are fully respected and protected;

8. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

9. Invites the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration, in all the official languages of the United Nations, and to take all appropriate measures to make the text available for use by United Nations information centres and by other interested bodies;

10. Encourages the continued efforts on the part of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

11. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

12. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work

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of the United Nations programme of advisory services in the field of human rights, with regard to, *inter alia*, the drafting of basic legal texts in conformity with international instruments on human rights and taking into account the provisions of the Declaration;

13. *Encourages* the Human Rights Committee to give priority to its announced intention to prepare a general comment on article 18 of the International Covenant on Civil and Political Rights, 20/ dealing with freedom of thought, conscience and religion;

14. *Welcomes* the efforts of non-governmental organizations to promote the implementation of the Declaration;

15. *Requests* the Secretary-General to invite interested non-governmental organizations to consider what further role they could envisage playing in the implementation of the Declaration and in the dissemination of its text in national and local languages;

16. *Urges* all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

17. *Requests* the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

18. *Decides* to consider the question of the elimination of all forms of religious intolerance at its forty-eighth session under the item entitled "Human rights questions".

DRAFT RESOLUTION IX

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

The General Assembly,

Reaffirming the purposes of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Recalling its resolution 1514 (XV) of 14 December 1960 containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Also recalling its resolution 2625 (XXV) of 24 October 1970, by which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

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Further recalling the principle enshrined in Article 2, paragraph 7, of the Charter of the United Nations, which establishes that nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the Charter,

Reaffirming the legitimacy of the struggle of the oppressed people of South Africa for the elimination of apartheid and for the establishment of a society in which all the people of South Africa as a whole, irrespective of race, colour or creed, will enjoy equal and full political and other rights and participate freely in the determination of their destiny,

Also reaffirming the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, which will enable them to decide freely on their own future,

Recognizing that the principles of national sovereignty and non-interference in the internal affairs of any State should be respected in the holding of elections,

Also recognizing that there is no single political system or single model for electoral processes equally suited to all nations and their peoples, and that political systems and electoral processes are subject to historical, political, cultural and religious factors,

Recalling its resolutions on this regard, in particular, resolution 46/130 of 17 December 1991,

1. *Reiterates* that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right, freely and without external interference, to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect that right in accordance with the provisions of the Charter;

2. *Reaffirms* that it is the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitution and national legislation;

3. *Also reaffirms* that any activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that intend to sway the results of such processes, violate the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations;

4. *Reaffirms* that there is no universal need for the United Nations to provide electoral assistance to Member States, except in special circumstances

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such as cases of decolonization, in the context of regional or international peace processes or at the request of specific sovereign States, by virtue of resolutions adopted by the Security Council or the General Assembly in each case, in strict conformity with the principles of sovereignty and non-interference in the internal affairs of States;

5. Urges all States to respect the principle of non-interference in the internal affairs of States and the sovereign right of peoples to determine their political, economic and social system;

6. Strongly appeals to all States to refrain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country;

7. Condemns any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

8. Reiterates that only the total eradication of apartheid and the establishment of a non-racial, democratic society based on majority rule, through the full and free exercise of adult suffrage by all the people in a united and non-fragmented South Africa, can lead to a just and lasting solution to the situation in South Africa;

9. Reaffirms the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, which will enable them to determine their political, economic and social system, without interference;

10. Calls upon the Commission on Human Rights at its forty-ninth session to continue giving priority to the review of the fundamental factors that negatively affect the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes and to report to the General Assembly at its forty-eighth session, through the Economic and Social Council;

11. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution under the item entitled "Human rights questions".

DRAFT RESOLUTION X

Strengthening of United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

The General Assembly,

Reaffirming its faith in fundamental human rights, in the dignity of worth of the human person and in the equal rights of men and women and of nations large and small, and its determination to promote social progress and better standards of living in greater freedom,

Bearing in mind that one of the purposes of the United Nations is to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Bearing in mind also that one of the purposes of the United Nations is to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling that, in accordance with Article 55 of the Charter of the United Nations, the Organization shall promote universal respect for, and observance of, human rights and fundamental freedoms for all, with a view to creating conditions of stability and well-being that are necessary for peaceful and friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples and that, in accordance with Article 56, all Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55,

Reiterating that Member States should continue to act in the human rights field in conformity with the provisions of the Charter,

Desirous of achieving further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms,

Considering that such international cooperation should be based on the principles embodied in international law, especially the Charter, as well as the Universal Declaration of Human Rights, 11/ the International Covenants on Human Rights 20/ and other relevant instruments,

Deeply convinced that United Nations action in this field should be based not only on a profound understanding of the broad range of problems existing in all societies but also on full respect for the political, economic and social realities of each of them, in strict compliance with the purposes and

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principles of the Charter and for the basic purpose of promoting and encouraging respect for human rights and fundamental freedoms through international cooperation,

Reaffirming its resolutions 45/163 of 18 December 1990 and 46/129 of 17 December 1991,

Recalling its resolutions 32/130 of 16 December 1977, 37/200 of 18 December 1982, 41/155 of 4 December 1986 and 43/155 of 8 December 1988,

Bearing in mind its resolutions 2131 (XX) of 21 December 1965, 2625 (XXV) of 24 October 1970 and 36/103 of 9 December 1981,

Taking into account Commission on Human Rights resolution 1992/39 of 28 February 1992, 15/

Taking note of the recommendation made by the Commission on Human Rights in the annex to its resolution 1991/30 of 5 March 1991, 12/ that the Preparatory Committee for the World Conference on Human Rights, being guided by a spirit of consensus, should make suggestions aimed at ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues in United Nations human rights forums,

Aware of the fact that the promotion, protection and full exercise of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends,

Affirming the importance of the objectivity, independence and discretion of the special rapporteurs and representatives on thematic issues and countries, as well as of the members of the working groups, in carrying out their mandates,

Underlining the obligation that Governments have to promote and protect human rights and to carry out the responsibilities that they have undertaken under international law, especially the Charter, as well as various international instruments in the field of human rights,

1. _Reiterates_ that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right within the provisions of the Charter, including respect for territorial integrity;

2. _Reaffirms_ that it is a purpose of the United Nations and the task of all Member States, in cooperation with the Organization, to promote and encourage respect for human rights and fundamental freedoms and to remain vigilant with regard to violations of human rights wherever they occur;

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3. _Calls upon_ all Member States to base their activities for the protection and promotion of human rights, including the development of further international cooperation in this field, on the Charter, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and other relevant international instruments and to refrain from activities that are inconsistent with this international framework;

4. _Considers_ that international cooperation in this field should make an effective and practical contribution to the urgent task of preventing mass and flagrant violations of human rights and fundamental freedoms for all and to the strengthening of international peace and security;

5. _Affirms_ that the promotion, protection and full realization of all human rights and fundamental freedoms as legitimate concerns of the world community should be guided by the principles of non-selectivity, impartiality and objectivity and should not be used for political ends;

6. _Requests_ all human rights bodies within the United Nations system, as well as the special rapporteurs and representatives, independent experts and working groups, to take duly into account the content of the present resolution in carrying out their mandates;

7. _Expresses its conviction_ that an unbiased and fair approach to human rights issues contributes to the promotion of international cooperation as well as to the effective promotion, protection and realization of human rights and fundamental freedoms;

8. _Underlines_, in this context, the continuing need for impartial and objective information on the political, economic and social situations and events of all countries;

9. _Invites_ Member States to consider adopting, as appropriate, within the framework of their respective legal systems and in accordance with their obligations under international law, especially the Charter, and international human rights instruments, the measures that they may deem appropriate to achieve further progress in international cooperation in promoting and encouraging respect for human rights and fundamental freedoms;

10. _Requests_ the Commission on Human Rights, at its forty-ninth session, to continue to examine ways and means to strengthen United Nations action in this regard on the basis of the present resolution and of Commission resolution 1992/39;

11. _Invites_ the Secretary-General to continue requesting information and comments from all Member States on the present resolution for their timely transmission to the Preparatory Committee for the World Conference on Human Rights, regional conferences and the World Conference itself in order to consider and formulate the relevant proposals, including ways and means to strengthen United Nations action in this regard;

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12. Requests the Secretary-General to provide the Preparatory Committee for the World Conference with the United Nations documentation relevant to the present resolution;

13. Decides to consider this matter at its forty-eighth session, under the item entitled "Human rights questions".

DRAFT RESOLUTION XI

Question of enforced or involuntary disappearances

The General Assembly,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons, and its resolution 46/125 of 17 December 1991 on the question of enforced or involuntary disappearances,

Deeply concerned about the persistence of the practice of enforced disappearances in the world,

Expressing its profound emotion at the anguish and sorrow of the families concerned, who are unsure of the fate of their relatives,

Concerned by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons,

Noting with satisfaction resolution 47/___ by which the General Assembly proclaimed the Declaration on the Protection of All Persons from Enforced Disappearance,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearances and helping to eliminate enforced disappearances, duly taking into account the provisions of the Declaration,

Bearing in mind Commission on Human Rights resolution 1992/30 of 28 February 1992, 15/

1. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work and thanks those Governments that are cooperating with it;

2. Welcomes the decision made by the Commission on Human Rights in its resolution 1992/30 to extend for three years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980, while maintaining the principle of annual reporting, and requests the Working Group to continue to fulfil its mandate in a rigorous and constructive fashion;

3. Invites Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances and to take action at the national and regional levels and in cooperation with the United Nations to that end;

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4. Appeals to the Governments concerned, particularly those that have not yet replied to the communications addressed to them by the Working Group, to cooperate fully with it, and in particular to reply more quickly to the requests for information addressed to them so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

5. Encourages the Governments concerned seriously to consider inviting the Working Group to visit their countries, thus enabling it to fulfil its mandate even more effectively;

6. Extends its warm thanks to those Governments that have cooperated with the Working Group and to those Governments that have invited the Working Group to visit their countries, requests them to give all necessary attention to its recommendations and invites them to inform the Working Group of any follow-up measures taken;

7. Appeals to the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment of which they may be the target;

8. Calls upon all Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, particularly as regards the prevention of enforced disappearances;

9. Reminds all Governments also of the need to ensure that their competent authorities conduct prompt and impartial inquiries when there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

10. Requests the Working Group, pursuant to its mandate, to take into account the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance;

11. Also requests the Working Group to give the necessary attention to cases of disappeared children and children of disappeared persons;

12. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its recommendations when it considers the report to be submitted by the Working Group to the Commission at its forty-ninth session;

13. Renews its request to the Secretary-General to continue to provide the Working Group with all necessary facilities;

14. Decides to consider the question of enforced disappearances at its forty-ninth session, under the sub-item entitled "Human rights: alternative ways and means".

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DRAFT RESOLUTION XII

Declaration on the Protection of All Persons from Enforced Disappearance

The General Assembly,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations and other international instruments, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind the obligation of States under the Charter of the United Nations, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Deeply concerned that in many countries, often in a persistent manner, enforced disappearances occur, in the sense that persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, thereby placing such persons outside the protection of the law,

Considering that enforced disappearance undermines the deepest values of any society committed to respect for the rule of law, human rights and fundamental freedoms, and that the systematic practice of such acts is of the nature of a crime against humanity,

Recalling resolution 33/173 of 20 December 1978, by which the General Assembly expressed concern about the reports from various parts of the world relating to enforced or involuntary disappearances, as well as about the anguish and sorrow caused by those disappearances, and called upon Governments to hold law enforcement and security forces legally responsible for excesses which might lead to enforced or involuntary disappearances of persons,

Recalling also the protection afforded to victims of armed conflicts by the Geneva Conventions of 12 August 1949 and the Additional Protocols of 1977,

Having regard in particular to the relevant articles of the Universal Declaration of Human Rights 11/ and the International Covenant on Civil and Political Rights, 20/ which protect the right to life, the right to liberty and security of the person, the right not to be subjected to torture and the right to recognition as a person before the law, _Having regard further_ to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, [35] which provides that States parties shall take effective measures to prevent and punish acts of torture,

Bearing in mind the Code of Conduct for Law Enforcement Officials, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Standard Minimum Rules for the Treatment of Prisoners,

Affirming that, in order to prevent enforced disappearances, it is necessary to ensure strict compliance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment contained in its resolution 43/173 of 9 December 1988, and with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, set forth in the annex to Economic and Social Council resolution 1989/65 of 24 May 1989 and endorsed by the General Assembly in its resolution 44/162 of 15 December 1989,

Bearing in mind that, while the acts which comprise enforced disappearance constitute a violation of the prohibitions found in the aforementioned international instruments, it is none the less important to devise an instrument which characterizes all acts of enforced disappearance of persons as very serious offences, setting forth standards designed to punish and prevent their commission,

1. _Proclaims_ the present Declaration on the Protection of All Persons from Enforced Disappearance, as a body of principles for all States;

2. _Urges_ that all efforts be made so that this Declaration becomes generally known and respected.

Article 1

1. Any act of enforced disappearance is an offence to human dignity. It is condemned as a denial of the purposes of the Charter of the United Nations and as a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and reaffirmed and developed in international instruments in this field.

2. Such act of enforced disappearance places the persons subjected thereto outside the protection of the law and inflicts severe suffering on them and their families. It constitutes a violation of the rules of international law guaranteeing, _inter alia_, the right to recognition as a person before the law, the right to liberty and security of the person and the right not to be

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[35] Resolution 39/46, annex.

subjected to torture and other cruel, inhuman or degrading treatment or punishment. It also violates or constitutes a grave threat to the right to life.

Article 2

1. No State shall practise, permit or tolerate enforced disappearances.

2. States shall act at the national and regional levels and in cooperation with the United Nations to contribute by all means to the prevention and eradication of enforced disappearance.

Article 3

Each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction.

Article 4

1. All acts of enforced disappearance shall be offences under the criminal law punishable by appropriate penalties which shall take into account their extreme seriousness.

2. Mitigating circumstances may be established in national legislation for persons who, having participated in enforced disappearances, are instrumental in bringing the victims forward alive or in providing voluntarily information which would contribute to clarifying cases of enforced disappearance.

Article 5

In addition to such criminal penalties as are applicable, enforced disappearances render their perpetrators and the State or State authorities which organize, acquiesce in or tolerate such disappearances liable at civil law, without prejudice to the international responsibility of the State concerned in accordance with the principles of international law.

Article 6

1. No order or instruction of any public authority, civilian, military or other, may be invoked to justify an enforced disappearance. Any person receiving such an order or instruction shall have the right and duty not to obey it.

2. Each State shall ensure that orders or instructions directing, authorizing or encouraging any enforced disappearance are prohibited.

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3. Training of law enforcement officials shall emphasize the above provisions.

Article 7

No circumstances whatsoever, whether a threat of war, a state of war, internal political instability or any other public emergency, may be invoked to justify enforced disappearances.

Article 8

1. No State shall expel, return (refouler) or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance.

2. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Article 9

1. The right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty is required to prevent enforced disappearances under all circumstances, including those referred to in article 7.

2. In such proceedings, competent national authorities shall have access to all places holding persons deprived of their liberty and to each part thereof, as well as to any place in which there are grounds to believe that such persons may be found.

3. Any other competent authority entitled under the law of the State or by any international legal instruments to which a State is a party may also have access to such places.

Article 10

1. Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.

2. Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a

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legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

3. An official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each State shall take steps to maintain similar centralized registers. The information contained in these registers shall be made available to the persons mentioned in the paragraph above, to any judicial or other competent and independent national authority and to any other competent authority entitled under the law of the State concerned or any international legal instrument to which a State concerned is a party, seeking to trace the whereabouts of a detained person.

Article 11

All persons deprived of liberty must be released in a manner permitting reliable verification that they have actually been released and, further, have been released in conditions in which their physical integrity and ability fully to exercise their rights are assured.

Article 12

1. Each State shall establish rules under its national law indicating those officials authorized to order deprivation of liberty, establishing the conditions under which such orders may be given, and stipulating penalties for officials who, without legal justification, refuse to provide information on any detention.

2. Each State shall likewise ensure strict supervision, including a clear chain of command, of all law enforcement officials responsible for apprehensions, arrests, detentions, custody, transfers and imprisonment, and of other officials authorized by law to use force and firearms.

Article 13

1. Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.

2. Each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits.

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3. Steps shall be taken to ensure that all involved in the investigation, including the complainant, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal.

4. The findings of such an investigation shall be made available upon request to all persons concerned, unless doing so would jeopardize an ongoing criminal investigation.

5. Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or the investigation procedure is appropriately punished.

6. An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified.

Article 14

Any person alleged to have perpetrated an act of enforced disappearance in a particular State shall, when the facts disclosed by an official investigation so warrant, be brought before the competent civil authorities of that State for the purpose of prosecution and trial unless he has been extradited to another State wishing to exercise jurisdiction in accordance with the relevant international agreements in force. All States should take any lawful and appropriate action available to them to bring all persons presumed responsible for an act of enforced disappearance, found to be within their jurisdiction or under their control, to justice.

Article 15

The fact that there are grounds to believe that a person has participated in acts of an extremely serious nature such as those referred to in article 4, paragraph 1, regardless of the motives, shall be taken into account when the competent authorities of the State decide whether or not to grant asylum.

Article 16

1. Persons alleged to have committed any of the acts referred to in article 4, paragraph 1, shall be suspended from any official duties during the investigation referred to in article 13.

2. They shall be tried only by the competent ordinary courts in each State, and not by any other special tribunal, in particular military courts.

3. No privileges, immunities or special exemptions shall be admitted in such trials, without prejudice to the provisions contained in the Vienna Convention on Diplomatic Relations.

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4. The persons presumed responsible for such acts shall be guaranteed fair treatment in accordance with the relevant provisions of the Universal Declaration of Human Rights and other relevant international agreements in force at all stages of the investigation and eventual prosecution and trial.

Article 17

1. Acts constituting enforced disappearance shall be considered a continuing offence as long as the perpetrators continue to conceal the fate and the whereabouts of persons who have disappeared and these facts remain unclarified.

2. When the remedies provided for in article 2 of the International Covenant on Civil and Political Rights are no longer effective, the statute of limitations relating to acts of enforced disappearance shall be suspended until these remedies are re-established.

3. Statutes of limitations, where they exist, relating to acts of enforced disappearance shall be substantial and commensurate with the extreme seriousness of the offence.

Article 18

1. Persons who have, or are alleged to have, committed offences referred to in article 4, paragraph 1, shall not benefit from any special amnesty law or similar measures that might have the effect of exempting them from any criminal proceedings or sanction.

2. In the exercise of the right of pardon, the extreme seriousness of acts of enforced disappearance shall be taken into account.

Article 19

The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependants shall also be entitled to compensation.

Article 20

1. States shall prevent and suppress the abduction of children of parents subjected to enforced disappearance and of children born during their mother's enforced disappearance, and shall devote their efforts to the search for, and identification of, such children and to the restitution of the children to their families of origin.

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2. Considering the need to protect the best interests of children referred to in the preceding paragraph, there shall be an opportunity, in States which recognize a system of adoption, for a review of the adoption of such children and, in particular, for annulment of any adoption which originated in enforced disappearance. Such adoption should, however, continue to be in force if consent is given, at the time of the review mentioned above, by the child's closest relatives.

3. The abduction of children of parents subjected to enforced disappearance or of children born during their mother's enforced disappearance, and the act of altering or suppressing documents attesting to their true identity, shall constitute an extremely serious offence, which shall be punished as such.

4. For these purposes, States shall, where appropriate, conclude bilateral and multilateral agreements.

Article 21

The provisions of the present Declaration are without prejudice to the provisions enunciated in the Universal Declaration of Human Rights or in any other international instrument, and shall not be construed as restricting or derogating from any of the provisions contained therein.

DRAFT RESOLUTION XIII

Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights, 11/ the International Covenant on Civil and Political Rights, 20/ the International Covenant on Economic, Social and Cultural Rights 20/ and other human rights instruments adopted by the United Nations,

Recalling its resolutions 44/148 of 15 December 1989 and 44/212 of 22 December 1989, and other relevant resolutions,

Bearing in mind Commission on Human Rights resolution 1991/14 of 22 February 1991, 12/ in which the Commission drew the attention of the General Assembly to the contradiction between the existence of situations of extreme poverty and exclusion from society, which must be overcome, and the duty to guarantee the full enjoyment of human rights,

Recalling its resolution 45/199 of 21 December 1990, in which it proclaimed the Fourth United Nations Development Decade, the main concerns of which are the search for a significant reduction of extreme poverty and the joint responsibility of all countries,

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Recognizing that extreme poverty is a violation of human dignity and might, in some situations, constitute a threat to the right to life,

Deeply concerned that extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and seriously affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Stressing the need for a complete and in-depth study of extreme poverty, based on the experience and the thoughts of the poorest,

Noting with satisfaction, in that regard, Commission on Human Rights resolution 1992/11 of 21 February 1992 15/ and the resolution of the Subcommission on Prevention of Discrimination and Protection of Minorities, 36/ in which the Subcommission designated Mr. Leandro Despouy as special rapporteur on this question,

Recognizing that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights are interrelated goals,

Recognizing also that the grave suffering of the vast majority of human beings who live in conditions of extreme poverty requires the immediate attention of the international community and the adoption of specific measures to eliminate extreme poverty and exclusion from society,

1. *Reaffirms* that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. *Expresses its satisfaction* that the Commission on Human Rights, in its resolution 1992/11, decided to undertake a study of extreme poverty and, in particular, of the following aspects: the effects of extreme poverty on the enjoyment and exercise of all human rights; the efforts of the poorest to achieve the exercise of those rights and to participate fully in the development of the society in which they live; the conditions in which the poorest may effectively convey their experience and their thoughts and become partners in the realization of human rights; and the means of ensuring a better understanding of the experience and thoughts of the poorest and of the persons working with them;

3. *Again calls upon* States, the specialized agencies, United Nations bodies and other international organizations, including non-governmental organizations, to give the necessary attention to this problem;

4. *Notes with appreciation* the specific action taken by the United Nations Children's Fund to mitigate the effects of extreme poverty on children

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36/ E/CN.4/Sub.2/RES/1992/27.

and the efforts of the United Nations Development Programme to give priority to the search for some means of alleviating poverty within the framework of the relevant resolutions;

5. *Decides* to consider this question further at its forty-ninth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

DRAFT RESOLUTION XIV

Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Reaffirming that one of the main purposes of the United Nations, as proclaimed in the Charter of the United Nations, is to achieve international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Noting the importance of the even more effective implementation of international human rights instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Welcoming the increased attention given by human rights treaty bodies to the non-discrimination and protection of minorities,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights 20/ concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the United Nations has an increasingly important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular through the relevant mechanisms of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the important achievements in this regard in regional, subregional and bilateral frameworks, which can provide a useful source of inspiration for future United Nations activities,

Stressing the need to ensure for all, without discrimination of any kind, full enjoyment and exercise of human rights and fundamental freedoms, and emphasizing the importance of the draft Declaration on the Rights of Persons

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Belonging to National or Ethnic, Religious and Linguistic Minorities in that regard,

Recalling its resolution 46/115 of 17 December 1991, Commission on Human Rights resolution 1992/16 of 21 February 1992, 15/ by which the Commission approved the text of the draft declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities, and Economic and Social Council resolution 1992/4 of 20 July 1992, by which the Council recommended it to the General Assembly for adoption and further action,

Having considered the note by the Secretary-General, 37/

1. Adopts the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the text of which is annexed to the present resolution;

2. Requests the Secretary-General to ensure the distribution of the Declaration as widely as possible and to include the text of the Declaration in the next edition of Human Rights: A Compilation of International Instruments;

3. Invites United Nations agencies and organizations and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Declaration and to promoting understanding thereof;

4. Invites the relevant organs and bodies of the United Nations, inter alia, treaty bodies and representatives of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, to give due regard to the Declaration within their mandates;

5. Requests the Secretary-General to consider appropriate ways for the effective promotion of the Declaration and to make proposals thereon;

6. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the present resolution under the item entitled "Human rights questions".

37/ A/47/501.

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Annex

DECLARATION ON THE RIGHTS OF PERSONS BELONGING TO NATIONAL OR ETHNIC, RELIGIOUS AND LINGUISTIC MINORITIES

The General Assembly,

Reaffirming that one of the basic aims of the United Nations, as proclaimed in its Charter, is to promote and encourage respect for human rights and for fundamental freedoms for all, without distinction as to race, sex, language or religion,

Reaffirming faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small,

Desiring to promote the realization of the principles contained in the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and the Convention on the Rights of the Child, as well as other relevant international instruments that have been adopted at the universal or regional level and those concluded between individual States Members of the United Nations,

Inspired by the provisions of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to the political and social stability of States in which they live,

Emphasizing that the constant promotion and realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as an integral part of the development of society as a whole and within a democratic framework based on the rule of law, would contribute to the strengthening of friendship and cooperation among peoples and States,

Considering that the United Nations has an important role to play regarding the protection of minorities,

Bearing in mind the work done so far within the United Nations system, in particular the Commission on Human Rights, the Subcommission on Prevention of Discrimination and Protection of Minorities and the bodies established pursuant to the International Covenants on Human Rights and other relevant

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international human rights instruments on promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Taking into account the important work which is carried out by intergovernmental and non-governmental organizations in protecting minorities and in promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Recognizing the need to ensure even more effective implementation of international instruments with regard to the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Proclaims this Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities:

Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity.

2. States shall adopt appropriate legislative and other measures to achieve those ends.

Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.

3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.

4. Persons belonging to minorities have the right to establish and maintain their own associations.

5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

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Article 3

1. Persons belonging to minorities may exercise their rights, including those set forth in this Declaration, individually as well as in community with other members of their group, without any discrimination.

2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights set forth in this Declaration.

Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.

2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.

3. States should take appropriate measures so that, wherever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.

4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

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Article 6

States should cooperate on questions relating to persons belonging to minorities, including exchange of information and experiences, in order to promote mutual understanding and confidence.

Article 7

States should cooperate in order to promote respect for the rights set forth in this Declaration.

Article 8

1. Nothing in this Declaration shall prevent the fulfilment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.

2. The exercise of the rights set forth in this Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.

3. Measures taken by States to ensure the effective enjoyment of the rights set forth in this Declaration shall not *prima facie* be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.

4. Nothing in this Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9

The specialised agencies and other organisations of the United Nations system shall contribute to the full realisation of the rights and principles set forth in this Declaration, within their respective fields of competence.

DRAFT RESOLUTION XV

Summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights, 11/ which guarantees the right to life, liberty and security of person,

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Having regard to the provisions of the International Covenant on Civil and Political Rights, [20] in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

Recalling its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary and arbitrary executions, and its resolutions 37/182 of 17 December 1982, 38/96 of 16 December 1983, 39/110 of 14 December 1984, 40/143 of 13 December 1985, 41/144 of 4 December 1986, 42/141 of 7 December 1987, 43/151 of 8 December 1988, 44/159 of 15 December 1989 and 45/162 of 18 December 1990,

Deeply alarmed at the continued occurrence on a large scale of summary or arbitrary executions, including extra-legal executions,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15, [38]

Welcoming the close cooperation established between the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat and the Committee on Crime Prevention and Control [39] with regard to questions relating to extrajudicial, summary or arbitrary executions,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. *Once again strongly condemns* the large number of extrajudicial, summary or arbitrary executions, which continue to take place throughout the world;

2. *Demands* that the practice of summary or arbitrary executions be brought to an end;

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[38] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. 1, sect. E.

[39] The Committee on Crime Prevention and Control was replaced by the Commission on Crime Prevention and Criminal Justice by the General Assembly in its resolution 46/152 of 18 December 1991.

3. *Appeals urgently* to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extra-legal executions;

4. *Reaffirms* Economic and Social Council decision 1992/242 of 20 July 1992, in which the Council approved the decision of the Commission on Human Rights 40/ to appoint a special rapporteur for three years to consider the questions related to summary or arbitrary executions and also approved the Commission's request to the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur;

5. *Urges* all Governments, in particular those that have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

6. *Requests* the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred, and, furthermore, to promote exchanges of views between Governments and those who provide reliable information to the Special Rapporteur, where the Special Rapporteur considers that such exchanges of information might be useful;

7. *Welcomes* the recommendations made by the Special Rapporteur in his reports 41/ to the Commission on Human Rights at its forty-fourth, forty-fifth, forty-sixth, forty-seventh and forty-eighth sessions with a view to eliminating summary or arbitrary executions;

8. *Encourages* Governments, international organizations and non-governmental organizations to organize training programmes and support projects with a view to training or educating law enforcement officers in human rights issues connected with their work, and appeals to the international community to support endeavours to that end;

9. *Considers* that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, as well as medical and forensic experts;

40/ *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A, resolution 1992/72.

41/ E/CN.4/1988/22 and Add.1 and 2, E/CN.4/1989/25, E/CN.4/1990/22 and Corr.1 and Add.1, E/CN.4/1991/36 and E/CN.4/1992/30 and Corr.1 and Add.1.

10. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur so that he may effectively carry out his mandate;

11. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

12. Requests the Commission on Human Rights at its forty-ninth session, on the basis of the report of the Special Rapporteur, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

DRAFT RESOLUTION XVI

Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

The General Assembly,

Recalling that in the Charter of the United Nations the peoples of the United Nations declared their determination to reaffirm faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and of nations large and small and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recalling also the purposes and principles of the Charter to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion,

Emphasizing the significance and validity of the Universal Declaration of Human Rights 11/ and of the International Covenants on Human Rights 20/ in promoting respect for and observance of human rights and fundamental freedoms,

Recalling its resolution 32/130 of 16 December 1977, in which it decided that the approach to future work within the United Nations system with respect to human rights questions should take into account the concepts set forth in that resolution,

Noting with concern that many of the principles enunciated in resolution 32/130 have not yet been taken under consideration by the international community with all the necessary dynamism and objectivity, Emphasizing the special importance of the purposes and principles proclaimed in the Declaration on the Right to Development, contained in the annex to its resolution 41/128 of 4 December 1986,

Recalling its resolutions concerning the right to development, and also its resolution 45/155 of 18 December 1990, in which it decided that one of the objectives of the World Conference on Human Rights to be held in 1993 would be to examine the relation between development and the enjoyment of economic, social and cultural rights as well as civil and political rights, recognizing the importance of creating the conditions whereby everyone may enjoy those rights,

Taking into account the final documents of the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held at Jakarta from 1 to 6 September 1992, 42/

Reiterating that the right to development is an inalienable human right and that equality of development opportunities is a prerogative both of nations and of individuals within nations,

Expressing its particular concern about the progressive worsening of living conditions in the developing world and the negative impact thereof on the full enjoyment of human rights, and especially about the very serious economic situation of the African continent and the disastrous effects of the heavy burden of the external debt for the peoples of Africa, Asia and Latin America,

Reiterating its profound conviction that all human rights and fundamental freedoms are indivisible and interdependent and that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights,

Deeply convinced that today more than ever, economic and social development and human rights are complementary elements leading to the same goal, that is, the maintenance of peace and justice among nations as the foundation for the ideals of freedom and well-being to which mankind aspires,

Reiterating that cooperation among all nations on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system, is essential for the promotion of peace and development,

Convinced that the primary aim of such international cooperation must be the achievement by all human beings of a life of freedom and dignity and freedom from want,

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42/ A/47/675-S/24816, annex.

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Considering that the efforts of the developing countries for their own development should be supported by an increased flow of resources and by the adoption of appropriate and substantive measures for creating an external environment conducive to such development,

1. *Reiterates its request* that the Commission on Human Rights should continue its current work on overall analysis with a view to further promoting and strengthening human rights and fundamental freedoms, including the question of the programme and working methods of the Commission, and on the overall analysis of the alternative approaches and ways and means for improving the effective enjoyment of human rights and fundamental freedoms in accordance with the provisions and ideas set forth in General Assembly resolution 32/130;

2. *Affirms* that a primary aim of international cooperation in the field of human rights is a life of freedom, dignity and peace for all peoples and for every human being, that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from promoting and protecting the others;

3. *Reaffirms* that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil and political rights and of economic, social and cultural rights;

4. *Reiterates once again* that the international community should accord, or continue to accord, priority to the search for solutions to mass and flagrant violations of human rights of peoples and individuals affected by situations such as those mentioned in paragraph 1 (e) of General Assembly resolution 32/130, paying due attention also to other situations of violations of human rights;

5. *Considers* that the issues mentioned in paragraph 4 above should be approached with due attention in the preparatory work for the World Conference on Human Rights so as to evaluate during the Conference the obstacles to achieving progress in the field of human rights;

6. *Reaffirms* that the right to development is an inalienable human right;

7. *Reaffirms also* that international peace and security are essential elements for achieving full realization of the right to development;

8. *Recognizes* that all human rights and fundamental freedoms are indivisible and interdependent;

9. *Considers it necessary* for all Member States to promote international cooperation on the basis of respect for the independence, sovereignty and territorial integrity of each State, including the right of every people to choose freely its own socio-economic and political system,

with a view to solving international economic, social and humanitarian problems;

10. Urges all States to cooperate with the Commission on Human Rights in the promotion and protection of human rights and fundamental freedoms;

11. Reaffirms once again that, in order to facilitate the full enjoyment of all human rights without diminishing personal dignity, it is necessary to promote the rights to education, work, health and proper nourishment through the adoption of measures at the national level, including those that provide for the right of workers to participate in management, as well as the adoption of measures at the international level, entailing a restructuring of existing international economic relations;

12. Decides that the approaches to future work within the United Nations system on human rights matters should take into account the content of the Declaration on the Right to Development and the need for the implementation thereof;

13. Decides to consider this question at its forty-eighth session.

DRAFT RESOLUTION XVII

Enhancing the effectiveness of the principle of periodic and genuine elections

The General Assembly,

Recalling its resolutions 44/146 of 15 December 1989, 45/150 of 18 December 1990, and especially 46/137 of 17 December 1991, as well as the annex to Commission on Human Rights resolution 1989/51 of 7 March 1989, [43]

Having considered the report of the Secretary-General, [44]

Acknowledging the provisional guidelines on electoral assistance prepared by the Secretariat,

Noting the increase in requests for electoral assistance by Member States,

1. Takes note with appreciation of the report of the Secretary-General;

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[43] Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

[44] A/47/668.

2. Welcomes the Secretary-General's decision to establish a focal point for electoral verification and electoral assistance;

3. Takes note of the Secretary-General's decision to establish an Electoral Assistance Unit within the Secretariat;

4. Commends the electoral assistance provided to Member States at their request by the Organization, requests that such assistance continue on a case-by-case basis in accordance with the provisional guidelines, recognizing that the fundamental responsibility for ensuring free and fair elections lies with Governments, and also requests the Electoral Assistance Unit to inform Member States on a regular basis about the requests received, the responses given to those requests and the handling of the requests acted upon;

5. Welcomes the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation and the establishment by the Administrator of the United Nations Development Programme of a separate Trust Fund for Technical Assistance to Electoral Processes, and calls upon Member States to consider contributing to the Funds;

6. Stresses the importance of coordination by the focal point within the United Nations system, commends the Centre for Human Rights for the advisory services and technical assistance it provides and the Department of Economic and Social Development of the Secretariat and the United Nations Development Programme for the technical assistance they are providing to requesting Member States, and requests the focal point to continue to collaborate closely with and inform the Centre for Human Rights as well as the Department of Economic and Social Development and the United Nations Development Programme of requests presented in the area of electoral assistance;

7. Requests the Secretary-General to provide the Electoral Assistance Unit with adequate human and financial resources, under the regular budget of the Organization and within existing resources, to allow it to carry out its regular mandate;

8. Also requests the Secretary-General to reinforce the Centre for Human Rights through redeployment of resources and personnel in order to enable it to answer, in close coordination with the Electoral Assistance Unit, the increasing number of requests by Member States for advisory services in the field of electoral assistance;

9. Recommends that the proposed guidelines on electoral assistance be considered as provisional, and requests the Secretary-General to evaluate the guidelines on electoral assistance in the light of experience over the next two years;

10. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of resolution 46/137 and the present resolution, in particular on the status of requests from Member States

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for electoral assistance and verification, and on the validity of the guidelines on electoral assistance in the light of experience;

11. Decides that the question of enhancing the effectiveness of the principle of periodic and genuine elections shall be biennialized as of the forty-ninth session of the General Assembly.

DRAFT RESOLUTION XVIII

Situation of human rights in Cuba

The General Assembly,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as stated in the Charter of the United Nations and elaborated in the Universal Declaration of Human Rights 11/ and the International Covenants on Human Rights 20/ and other applicable human rights instruments,

Reaffirming that all Member States have an obligation to fulfil the commitments they have freely undertaken under the various international instruments,

Taking particular note of Commission on Human Rights resolution 1992/61 of 3 March 1992, 15/ in which the Commission recognized with deep appreciation the efforts of the then Special Representative on Cuba,

Noting the appointment of a Special Rapporteur on Cuba,

Noting as well concern about ongoing reports of serious violations of human rights in Cuba, as outlined in the interim report 45/ on the situation of human rights in Cuba presented to the General Assembly by the Special Rapporteur on Cuba,

Recalling the failure of the Government of Cuba to cooperate with the Commission on Human Rights with regard to its resolution 1991/68 of 6 March 1991 12/ by refusing to permit the Special Representative to visit Cuba, and its response, as cited in appendix I of the interim report of the Special Rapporteur, in which Cuba expresses its decision not to "implement so much as a single comma of resolution 1992/61",

1. Commends the Special Rapporteur of the Commission on Human Rights for his interim report on the situation of human rights in Cuba;

45/ A/47/625 and Corr.1.

2. Expresses its full support for the work of the Special Rapporteur on Cuba;

3. Calls upon the Government of Cuba to cooperate fully with the Special Rapporteur on Cuba by permitting full and free access by the Special Rapporteur so that he may establish contact with the Government and the citizens of Cuba in order to fulfil the mandate entrusted to him;

4. Regrets profoundly the numerous uncontested reports of violations of basic human rights and fundamental freedoms that are described in the report of the Special Representative of the Secretary-General 46/ and in the interim report of the Special Rapporteur of the Commission on Human Rights;

5. Calls upon the Government of Cuba to adopt measures proposed by the Special Rapporteur to cease the persecution and punishment of citizens for reasons related to freedom of expression and peaceful association, to permit legalization of independent groups, to respect guarantees of due process, to permit access to the prisons by national independent groups and international humanitarian agencies, to review sentences for crimes of a political nature and to cease retaliatory measures towards those seeking permission to leave the country;

6. Decides to continue its consideration of this question at its forty-eighth session.

DRAFT RESOLUTION XIX

Situation of human rights and fundamental freedoms in El Salvador

The General Assembly,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 11/ the International Covenant on Civil and Political Rights 20/ and the International Covenant on Economic, Social and Cultural Rights, 20/

Convinced that the Peace Agreements reached on 16 January 1992 at Chapultepec, Mexico, 47/ between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional reflect that country's profound

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46/ E/CN.4/1992/27.

47/ A/46/864, annex.

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aspiration for peace and justice, and that scrupulous compliance therewith will not only permit an end to the conflict through political means but also lay the bases for major political, legal, economic and social changes, which must involve all sectors of the country in building a democratic society working for a common cause,

Bearing in mind that the Secretary-General, pursuant to Commission on Human Rights resolution 1992/62 of 3 March 1992, 15/ appointed an Independent Expert to provide assistance in human rights matters to the Government of El Salvador, consider the human rights situation in the country and the effects of the implementation of the Peace Agreements on the effective enjoyment of human rights and investigate the manner in which both parties are applying the recommendations contained in the final report of the Special Representative 48/ and those made by the United Nations Observer Mission in El Salvador and the commissions established during the negotiating process,

Taking into account the provisional report prepared by the Independent Expert, 49/ and also the other reports submitted by the Secretary-General and the United Nations Observer Mission in El Salvador,

Noting with satisfaction that despite the delays and difficulties that have arisen in the process of implementing the Peace Agreements, both parties have scrupulously observed the cease-fire and, through the mediation of the Secretary-General and his representatives, have adopted agreements which, if implemented within the new time-limits, will lead to the final cessation of the armed conflict on 15 December 1992,

Taking into account that, after 15 December 1992 the parties will have to fulfil, on the agreed dates, a number of commitments made in the Peace Agreements which are necessary for the reunification of Salvadorian society, the country's stability and the effective enjoyment of human rights,

Bearing in mind that the overall process of implementation of the Peace Agreements requires supervision by the United Nations Observer Mission in El Salvador in order to help ensure the scrupulous fulfilment of commitments in accordance with the agreed timetable,

Considering that the Governments which make up the Group of Friends of the Secretary-General, namely, Colombia, Mexico, Spain and Venezuela, as well as the Government of the United States of America, reiterated on 12 November 1992 their determination to continue to support the work of the Secretary-General until the full and comprehensive implementation of all the Peace Agreements is achieved in El Salvador,

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48/ E/CN.4/1992/32.

49/ A/47/596, annex.

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Aware that the international community must follow closely and continue to support all efforts to consolidate peace, ensure respect for human rights and undertake the reconstruction of El Salvador,

Bearing in mind that the creation of the Office of the National Counsel for the Defence of Human Rights and of the National Civil Police, as well as the reform of the judicial system, are necessary for putting in place a sound structure for the effective protection of human rights, and that these measures have not proceeded as stipulated in the Peace Agreements,

Considering that a commitment was made to implement the recommendations of the Ad Hoc Commission, the Commission on the Truth and the Human Rights Division of the United Nations Observer Mission in El Salvador,

Observing that the cessation of the armed conflict has itself eliminated an important source of violations of human dignity, but has not been sufficient to prevent the persistence of human rights violations, which, unless punished and eliminated as soon as possible, could cause a recurrence of situations of increased human rights violations since the resources available to civil society with which to combat them are still weak,

1. *Commends* the Independent Expert for his report and the members of the Ad Hoc Commission, the Commission on the Truth and the United Nations Observer Mission in El Salvador for their work in favour of human rights and the consolidation of peace in El Salvador;

2. *Expresses its satisfaction* at the steps taken to implement the vital Peace Agreements reached on 16 January 1992 by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional and at the flexibility shown by both parties in overcoming obstacles and differences and in maintaining the close linkage between the implementation of the various commitments assumed by them, in order to ensure the full and scrupulous implementation of all the Agreements;

3. *Welcomes* the fact that the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional, on the proposal of the Secretary-General, have agreed to implement the agreements which will permit the holding, on 15 December 1992, of a national reconciliation ceremony, which should put a final end to the armed conflict, and to step up their commitment to fulfil the remaining agreements in order to guarantee the consolidation of peace;

4. *Urges* the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to fulfil scrupulously all their commitments within the agreed time-limits and, with a heightened sense of responsibility and in a spirit of détente and reconciliation, to ensure that as of 15 December 1992 normal living conditions prevail throughout the country, especially in the zones most affected by the armed conflict;

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5. Also urges all sectors of Salvadorian society to show moderation and act constructively in order to dispel the animosities aroused by the armed conflict and to support the mandate which the President of El Salvador has to carry out in order to achieve the goals of peace, national reconciliation and democratization, in accordance with the Peace Agreements;

6. Expresses its gratitude for the effective, timely mediation of the Secretary-General and his representatives, and extends them its support so that they can continue to take all necessary steps to contribute to the successful implementation of all the Peace Agreements;

7. Welcomes the fact that the Governments which make up the Group of Friends of the Secretary-General and the Government of the United States of America will continue to support the work of the Secretary-General until the full and comprehensive implementation is achieved of all the Peace Agreements, which reflect the determination and the desire of the Salvadorian people to live in peace, democracy and prosperity;

8. Encourages the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional to implement the recommendations of the Ad Hoc Commission, the United Nations Observer Mission in El Salvador and, in due course, the Commission on the Truth;

9. Endorses all the recommendations made by the Independent Expert in his report, especially those aimed at strengthening the Office of the National Counsel for the Defence of Human Rights, setting up and developing the National Civil Police in accordance with the model that resulted from the Peace Agreements and carrying out the agreed reform of the judicial system;

10. Reiterates its appeal to all States to contribute to the consolidation of peace in El Salvador by supporting full compliance with the Peace Agreements and generously financing their implementation and the implementation of the National Reconstruction Plan;

11. Decides to keep the situation of human rights in El Salvador under consideration during its forty-eighth session, in the light of the course of events in the country.

DRAFT RESOLUTION XX

Situation of human rights in Afghanistan

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, [11] the International Covenants on Human Rights [20] and accepted humanitarian rules, as set out in the Geneva

Conventions of 12 August 1949 50/ and the Additional Protocols thereto, of 1977, 51/

Aware of its responsibility to promote and encourage respect for human rights and fundamental freedoms for all and resolved to remain vigilant with regard to violations of human rights wherever they occur,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have freely undertaken under the various international instruments,

Recalling Economic and Social Council resolution 1984/37 of 24 May 1984, in which the Council requested the Chairman of the Commission on Human Rights to appoint a special rapporteur to examine the situation of human rights in Afghanistan, with a view to formulating proposals that could contribute to ensuring full protection of the human rights of the inhabitants of the country before, during and after the withdrawal of all foreign forces,

Recalling also its resolution 46/136 of 17 December 1991 and all its other relevant resolutions, as well as the resolutions of the Commission on Human Rights and the decisions of the Economic and Social Council,

Taking note in particular of Commission of Human Rights resolution 1992/68 of 4 March 1992, 15/ in which the Commission decided to extend the mandate of the Special Rapporteur on the situation of human rights in Afghanistan for one year, and of Economic and Social Council decision 1992/240 of 20 July 1992, in which the Council confirmed the extension and requested the Special Rapporteur to report to the General Assembly at its forty-seventh session on the situation of human rights in Afghanistan,

Noting that, following the demise of the former Afghan Government, a Transitional Islamic State of Afghanistan was established on the basis of the Peshawar Accord concluded by resistance parties on 24 April 1992,

Noting with deep concern that, in spite of the efforts and initiatives taken by the Government of Afghanistan towards ensuring complete peace and stability, a situation of armed confrontation, which is affecting mainly the civilian population, continues to exist in parts of the territory of Afghanistan, and in particular in Kabul, and much remains to be done for the treatment of prisoners in conformity with the provisions of the Geneva Conventions of 12 August 1949, and the Additional Protocols thereto, of 1977,

Concerned that the prevailing uncertainty in the country over political and legal order may affect the situation of members of ethnic and religious minorities,

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50/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

51/ Ibid., vol. 1125, Nos. 17512 and 17513.

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Noting with concern reports of violations of rights enshrined in the International Covenant on Civil and Political Rights, such as the right to life, liberty, personal security and freedom of opinion, expression and association,

Concerned that neither the International Committee of the Red Cross nor the Special Rapporteur were able to visit prisoners who were associated with the former Government,

Welcoming the fact that over one million refugees have returned to Afghanistan since April 1992, and hoping that conditions in Afghanistan will allow those still in exile to return as soon as possible,

Aware that peace and security in Afghanistan are prerequisites for the succesfull repatriation of more than four million refugees, in particular the achievement of a comprehensive political solution and the establishment of a freely and democratically elected government, the end of armed confrontation in Kabul and in some provinces, the clearance of the minefields that have been laid in many parts of the country, the restoration of an effective authority in the whole country and the reconstruction of the economy,

Welcoming the declaration of general amnesty issued by the Islamic State of Afghanistan, which should be applied in a strictly non-discriminatory manner,

Commending the activity carried out by the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross in cooperation with the Afghan authorities, as well as non-governmental organizations, in favour of the people of Afghanistan,

Taking note with appreciation of the report of the Special Rapporteur on the situation of human rights in Afghanistan [52] and of the conclusions and recommendations contained therein,

1. Welcomes the cooperation that authorities in Afghanistan have extended to the Special Rapporteur on the situation of human rights in Afghanistan in view of the circumstances prevailing in the country;

2. Also welcomes the cooperation that the authorities in Afghanistan have extended, in particular to the Coordinator for Humanitarian and Economic Assistance Programmes Relating to Afghanistan and to international organizations, such as the specialized agencies, the Office of the United Nations High Commissioner for Refugees and the International Committee of the Red Cross;

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[52] A/47/656, annex.

3. Urges all the Afghan parties to increase their efforts in order to achieve a comprehensive political solution, which is the only way to bring about peace and the full restoration of human rights in Afghanistan, based on the free exercise of the right to self-determination by the people, including free and fair elections, the cessation of armed confrontation and the creation of conditions that will permit the free return, as soon as possible, of the more than four million refugees to their homeland in safety and dignity, whenever they wish, and the full enjoyment of human rights and fundamental freedoms by all Afghans;

4. Recognizes that the promotion and protection of human rights should be an essential element in the achievement of a comprehensive solution to the crisis in Afghanistan, and calls on all Afghan parties to respect human rights;

5. Urges all the Afghan parties to respect accepted humanitarian rules as set out in the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto, of 1977, to halt the use of weapons against the civilian population, to protect all prisoners from acts of reprisal and violence, including ill-treatment, torture and summary executions, to transmit to the International Committee of the Red Cross the names of all prisoners, to expedite the exchange of prisoners wherever they may be held and to grant to the Committee unrestricted access to all parts of the country and the right to visit all prisoners in accordance with its established criteria;

6. Calls upon all States and parties concerned to make all efforts for the realization of its draft decision entitled "Prisoners of war and persons missing as a result of war in Afghanistan", 53/ and calls upon them to make all efforts for the release, as soon as possible, of all prisoners of war as provided for under article 118 of the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, 54/ considering that the hostilities in which the former Soviet Union was involved have legally and effectively ended;

7. Requests that the International Committee of the Red Cross be given full access to all prisoners by the warring factions;

8. Calls upon the authorities in Afghanistan to investigate thoroughly the fate of those persons who have disappeared, to apply amnesty decrees equally to all detainees, to reduce the period during which prisoners await trial, to treat all prisoners, especially those awaiting trial or those in custody in juvenile rehabilitation centres, in accordance with the Standard

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53/ See A/47/715, para. 28.

54/ United Nations, *Treaty Series*, vol. 75, No. 972.

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